Nos. 03-1500 and 03-1693

Supreme Court, U.S.
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In The
Supreme Court of the United States

THOMAS VAN ORDEN,

Petitioner,

v.

RICK PERRY, in his Official Capacity as Governor of Texas and Chairman, State Preservation Board, et al.,

Respondents.

On Writ Of Certiorari To The United States Court Of Appeals For The Fifth Circuit

McCREARY COUNTY, KENTUCKY, et al.,

Petitioners,

v.

AMERICAN CIVIL LIBERTIES UNION OF KENTUCKY, et al.,

Respondents.

On Writ Of Certiorari To The United States Court Of Appeals For The Sixth Circuit

BRIEF OF *AMICI CURIAE*, ANTI-DEFAMATION LEAGUE AND PHILIP A. CUNNINGHAM, PH.D., EXECUTIVE DIRECTOR, CENTER FOR CHRISTIAN-JEWISH LEARNING AT BOSTON COLLEGE, IN SUPPORT OF PETITIONER IN NO. 03-1500, AND IN SUPPORT OF RESPONDENTS IN NO. 03-1693

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TABLE OF CONTENTS

Page

TABLE OF AUTHORITIES iii

INTEREST OF *AMICI CURIAE* 1

SUMMARY OF ARGUMENT 2

ARGUMENT 6

I. The Ten Commandments Are a Religious Text, Subject to Differing Versions and Interpretations by Different Religions 7

II. The Decalogue Is Not Part of a Generic "Judeo-Christian Tradition" and Historically Has Been a Significant Source of Tension Between These Two Faiths 11

A. The Decalogue Enjoys a Special Status in the Jewish Tradition 11

B. Christianity Rejected Jewish Law but Continued to Venerate the Decalogue as a Religious Text Divorced from Its Jewish Origin 12

C. Jews Responded to the Rise of Christianity, in Part, by Emphasizing the Decalogue as Only One Aspect of Their Larger, Unique Covenant with God 14

D. Christians and Jews Used the Decalogue as a Symbol for Judaism – but with Very Different Meanings 17

E. The Concept of the "Judeo-Christian Tradition" Is a Recent Protestant Innovation that Masks This Historic Tension, Especially with Regard to the Decalogue 18

TABLE OF CONTENTS – Continued

Page

III. The Texas and Kentucky Displays Exemplify the Tensions Between the Jewish and Christian Traditions and Demonstrate How Displays of the Decalogue Violate the Establishment Clause 21

A. The Ten Commandments Are Inherently Religious, and by Displaying a Single Version of Them, These Displays Send a Religious Message 22

B. The Historical Importance of the Decalogue Does Not Justify the Displays that Are Before the Court 26

C. The Ten Commandments Are Not Part of Any "Ceremonial Deism," Nor Should They Be 28

CONCLUSION 30

TABLE OF AUTHORITIES

Page

CASES

ACLU of Kentucky v. McCreary County, Kentucky, 354 F.3d 438 (6th Cir. 2003), *cert. granted*, 125 S. Ct. 310 (2004) 9, 25, 26

Books v. City of Elkhart, Indiana, 235 F.3d 292 (7th Cir. 2000), *cert. denied*, 532 U.S. 1058 (2001) 23

County of Allegheny v. ACLU Greater Pittsburgh Chapter, 492 U.S. 573 (1989) 7, 21, 22, 24, 27

Elk Grove Unified School District v. Newdow, 124 S. Ct. 2301 (2004) 28

Engel v. Vitale, 370 U.S. 421 (1962) 21, 29

Lee v. Weisman, 505 U.S. 577 (1992) 6, 18, 25

Lynch v. Donnelly, 465 U.S. 668 (1984) ..... *passim*

Marsh v. Chambers, 463 U.S. 783 (1983) 18, 28

New York Trust Co. v. Eisner, 256 U.S. 345 (1921) 6

Stone v. Graham, 449 U.S. 39 (1980) (per curiam) 3, 6, 28, 29, 30

Van Orden v. Perry, 351 F.3d 173 (5th Cir. 2003), *cert. granted*, 125 S. Ct. 346 (2004) 23, 26

SCRIPTURAL CITATIONS

THE JEWISH STUDY BIBLE (Adele Berlin & Marc Zvi Brettler eds., 2004) (Jewish Publication Society *Tanakh* translation)

Deuteronomy 4:13 7

Deuteronomy 5:1-5 ..... 9, 12

Deuteronomy 5:4-5 11

TABLE OF AUTHORITIES – Continued

Page

Deuteronomy 5:6-18 9

Deuteronomy 5:15 9

Deuteronomy 5:16 9

Deuteronomy 9:10 11

Deuteronomy 10:4 7

Exodus 20:1 11

Exodus 20:1-14 8

Exodus 20:2 12

Exodus 20:3-4 12

Exodus 20:11 9

Exodus 24:3-8 12

Exodus 24:7 12

Exodus 24:12 11

Exodus 32:15-16 11

Genesis 9:1-11 11

THE KORAN (N.J. Dawood trans., Penguin Books 5th rev. ed. 1999)

6:151-53 ..... 10, 11

THE NEW OXFORD ANNOTATED BIBLE (Bruce M. Metzger & Roland E. Murphy eds., 1994) (New Revised Standard Version)

Acts 15:20, 29 13

Exodus 32:1-10 13

Mark 7:19 13

TABLE OF AUTHORITIES – Continued

Page

Matthew 5:17, 19 13

Matthew 19:16-22 14

MISCELLANEOUS

Babylonian Talmud (*Talmud Bavli*), *Berachot* 12a 15

JAMES D.G. DUNN, THE PARTINGS OF THE WAYS: BETWEEN CHRISTIANITY AND JUDAISM AND THEIR SIGNIFICANCE FOR THE CHARACTER OF CHRISTIANITY (1991) 12

A. ROY ECKHARDT, CHRISTIANITY AND THE CHILDREN OF ISRAEL (1949) 20

Moshe Greenberg, *The Decalogue Tradition Critically Examined*, *in* THE TEN COMMANDMENTS IN HISTORY AND TRADITION 83 (Ben-Zion Segal & Gershon Levi eds., Engl. ed. 1990) 9

WALTER J. HARRELSON, THE TEN COMMANDMENTS AND HUMAN RIGHTS (rev. ed. 1997) 9

Bernard Heller, *About the Judeo-Christian Tradition*, 1 JUDAISM 257 (1952) 21

IRENAEUS, AGAINST HERESIES, *available at* http://www.columbia.edu/cu/augustine/arch/irenaeus/ (last visited Dec. 9, 2004) 13, 14

Jerusalem Talmud (*Talmud Yerushalmi*), *Berachot* 1:5 15

JOSEPH KIMHI, THE BOOK OF THE COVENANT (Frank Talmage trans., 1972) 16

TABLE OF AUTHORITIES – Continued

Page

Ezra Zion Melammed, *"Observe" and "Remember" Spoken in One Utterance, in* THE TEN COMMANDMENTS IN HISTORY AND TRADITION 191 (Ben-Zion Segal & Gershon Levi eds., Engl. ed. 1990) 15

JOHN COURTNEY MURRAY, WE HOLD THESE TRUTHS: CATHOLIC REFLECTIONS ON THE AMERICAN PROPOSITION (1960) 20

Reinhold Niebuhr, *Introduction* to WALDO FRANK, THE JEW IN OUR DAY 3 (1944) 20

REINHOLD NIEBUHR, THE SELF AND THE DRAMAS OF HISTORY (1955) 20

ORIGEN, CONTRA CELSUM (Henry Chadwick trans., Cambridge Univ. Press 1980) 14

Gad B. Sarfatti, *The Tablets of the Law as a Symbol of Judaism, in* THE TEN COMMANDMENTS IN HISTORY AND TRADITION 383 (Ben-Zion Segal & Gershon Levi eds., Engl. ed. 1990) 17, 18

HEINZ SCHRECKENBERG, THE JEWS IN CHRISTIAN ART: AN ILLUSTRATED HISTORY (John Bowden trans., 1996) 17

Mark Silk, *Notes on the Judeo-Christian Tradition in America*, 36 AM. Q. 65 (1984) 19, 20, 21

HUSTON SMITH, THE RELIGIONS OF MAN (1958) 10

Tamid V.1 15

D'BLOSSIERS TOVEY, ANGLIA JUDAICA, OR, THE HISTORY AND ANTIQUITIES OF THE JEWS IN ENGLAND (Oxford 1738) 17

U.S. CATHOLIC CONFERENCE, CATECHISM OF THE CATHOLIC CHURCH (1994) 14

INTEREST OF *AMICI CURIAE*[1]

The Anti-Defamation League ("ADL") was organized in 1913 to advance good will and mutual understanding among Americans of all races and creeds and to combat racial and religious prejudice in the United States. It is today one of the leading civil rights and human relations organizations in the world. ADL believes that its stated goals, as well as the general stability of our democracy, are best served through strict separation of church and state and commensurately strict enforcement of the Free Exercise Clause. As an organization rooted in the Jewish community whose mission includes advancing interfaith relations, ADL seeks to offer the Court a clearer understanding of the ineluctably religious provenance of the Ten Commandments and establish why a government-sponsored display of the Decalogue is not inclusive, but rather detrimental to interfaith relations.

Philip A. Cunningham, Ph.D., is Executive Director of the Center for Christian-Jewish Learning and Adjunct Professor of Theology at Boston College. His academic interests include biblical studies, religious education, and Jewish-Christian relations. He is a member of the Advisory Committee on Catholic-Jewish Relations for the United States Conference of Catholic Bishops, and he is a co-convener of the Catholic Biblical Association of America's continuing seminar on Biblical Issues in Christian-Jewish Relations. Dr. Cunningham's curriculum vitae is reproduced in the attached Appendix at 3a. His expertise sheds light on the Decalogue's religious history and its continuing significance as a religious text and symbol.

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[1] This brief concerns, and has been docketed in, both cases before the Court on displays of the Ten Commandments, supporting petitioner in No. 03-1500 and respondents in No. 03-1693. All parties in both dockets have consented to the filing of this brief. No party's counsel authored this brief in whole or in part, and no person or entity, other than *amici curiae*, their members or their counsel made a monetary contribution to the preparation and submission of this brief.

The mission of the Center for Christian-Jewish Learning at Boston College is to encourage new relationships between Christians and Jews based not merely on tolerance but on full respect, mutual enrichment and collaborative theological research. This purpose flows from the mission of Boston College and responds to the Roman Catholic Church's vision as expressed by the Second Vatican Council. Under the Center's auspices, scholars representing diverse Jewish and Christian perspectives study all aspects of these related yet distinct faiths. The Center also offers programs in the university and the wider community in which Christians and Jews explore their traditions together. In short, the Center uses the scholarly resources of a Catholic university to encourage mutual knowledge between Christians and Jews at every level.

SUMMARY OF ARGUMENT

The Establishment Clause, at its core, prohibits government from taking sides, or even appearing to take sides, on matters of religious belief. In two cases now before the Court, government has erected or maintained a monumental or framed display of a particular version of the Ten Commandments, outside of a secular program of educational or historical study or debate. Government is proclaiming a message, not inviting a discussion. Yet, that message is fundamentally inconsistent with government's role under the First Amendment.

Often overlooked in legal discussions of the Ten Commandments is the theological understanding of the Ten Commandments, as a text with deep religious meaning, but also with different meanings even among the religious traditions that accept the Decalogue's authenticity as binding rules of law. This brief supplies that theological understanding, and thereby defines the message generally conveyed by public displays of the Decalogue to the reasonable, knowledgeable observer. That message is critical to a proper application of the principles enshrined by the Establishment Clause.

Theological scholarship underscores what this Court recognized in *Stone v. Graham*, 449 U.S. 39 (1980) (per curiam), that the Ten Commandments are an inherently religious text that no state may embrace. The belief of some state officials that the Decalogue can convey merely a secular message has no foundation in either the history of that document in Judaism and Christianity or in the role it still plays in both religions. This brief's discussion of religious sources and scholarship underscores how the Ten Commandments are a vital expression of religious identity and symbolism – albeit an expression that is far from uniform or free of doctrinal controversy. As we show through historical events and the works of religious scholars over the last two millennia, the Decalogue is not symbolic of a uniform Judeo-Christian legal tradition, but is in fact at the center of historical differences between two different legal traditions. Thus, the notion of the Judeo-Christian tradition – which itself was a mid-twentieth century innovation by American Protestant thinkers – does not provide a theological base on which to build a legal justification for government's display of the Decalogue.

For Jews, the Ten Commandments are part of God's unique covenant with the people of Israel as God's chosen people, and one part of a wider set of binding, biblical laws of divine origin. For Christians, the Ten Commandments are fundamental principles of natural law that, as restated by Jesus, apply to *all* humanity. By viewing the Decalogue in this manner, divorced from its original context at Mount Sinai, early Christianity rejected the remainder of Jewish law – the Law of Moses in the first five books of the Bible (the Torah or Pentateuch) – as outmoded rules that do not apply to the new people of God, the Christians. Accordingly, while the Ten Commandments have important religious meaning for Christians, they also symbolize Christianity's rejection of other principles of Jewish law. The Ten Commandments historically have been used as a symbol of these religious differences. For example, Christian artwork once depicted the two tablets of the Decalogue as a symbol for Judaism's decline.

Any secularized, general notion of Judeo-Christian principles masks this historic tension between these different religious legal traditions, while excluding altogether persons of other religious faiths or with no religious beliefs. That tension is real in the context of these cases. Even the arrangement and wording of the Commandments find no common ground among these religions – yet another example of the Decalogue as a source of theological disagreement. Jewish scholars in particular emphasize that the "Lord your God" who speaks the Commandments is the God who freed them from slavery in Egypt, making clear from that theological perspective His special relationship with the people of Israel and the Decalogue's unique applicability to the Jews.

Government displays of the Ten Commandments therefore will inevitably "take sides," as no authentic display of the Decalogue's text can gloss over the different words and traditions ascribed to this part of the Hebrew scriptures while also taking account of the beliefs of Americans with faiths (like Islam) that do no accept the Decalogue as scripturally accurate, or of Americans with other faiths or no religion at all. This difficulty in creating a generic, secularized notion of the Decalogue acceptable to those of all faiths or of no faith is evident in the record before this Court. It is also why the Court's precedents on "ceremonial deism" have no place in the constitutional jurisprudence applicable to state-sponsored displays of the Ten Commandments' sacred text.

The displays here do have the effect of endorsing a religion, while not respecting others. While the designers of the Texas monument say they sought to erect a "nonsectarian" monument to God, they could do so only by endorsing Judaism or Christianity and ignoring all other religions. By placing Jewish symbolism alongside symbols for Jesus as the Messiah, and elevating a Christian translation of the Ten Commandments for special veneration apart from the rest of Mosaic law, the monument endorses a Christian religious view. The Kentucky courthouse displays make no attempt to be inclusive, instead using a Protestant translation of the Decalogue, omitting

entirely the text that is most fundamental to the Jewish understanding of the Ten Commandments, i.e., the opening reference to the people of Israel ("I the Lord am your God, who brought you out of the land of Egypt, the house of bondage . . . .").

The displays in Texas and Kentucky therefore either promote one religion's view of the Ten Commandments, ignoring the beliefs of others; or they homogenize the Ten Commandments, thereby giving official sanction to minimizing the divergent yet fundamentally religious beliefs of *both* Jews and Christians regarding this sacred text. The text of the Decalogue is no slogan that state officials can fit onto a coin or add to a pledge. The proponents of the Texas and Kentucky displays would undoubtedly agree with *amici curiae* that the words and tablets of the Decalogue have not lost their religious significance and that any judicial finding to the contrary would demean their beliefs and those of many Americans. Indeed, it is the invocation of the Establishment Clause in these very cases that will best serve to protect religion from the weakening of religious authority and belief that can come from secular officials embracing religious practices and texts in a homogenized, secular ceremony or display.

There is no single, generic, secular version of the Ten Commandments. In attempting to construct a display of that sort, government unavoidably must choose – or, to a reasonable, knowledgeable observer, appear to choose – among religious interpretations of the deity and His commands. Religion, and not just the Ten Commandments, is undeniably of historical and cultural importance, but that fact does not justify government displays proclaiming selected religious messages on capitol grounds or courthouse walls. As with any well-known religious prayer of a particular sect, the display of the text of the Decalogue conveys a religious message in this context, in which the display is not part of any program of educational or historical study. Accordingly, the displays here violate the Establishment Clause and should be declared unlawful.

ARGUMENT

Government-sponsored displays of religious subjects make for hard cases, as this Court's own precedents demonstrate. The current conflict before the Court makes clear that monuments to the Ten Commandments are no exception. But to echo an observation made by Justice Brennan, these cases are hard "not because the principles of decision are obscure," but rather because the values expressed in the Ten Commandments are so familiar and, ostensibly, uncontroversial. *See Lynch v. Donnelly*, 465 U.S. 668, 696 (1984) (Brennan, J., dissenting) (commenting on difficulty of case involving crèche). Thus, there is the temptation to view a governmental display of the Ten Commandments as a "nonsectarian" display of generic "Judeo-Christian" principles underlying an American secular legal tradition, rather than as government endorsement of religion.

The history of the Ten Commandments squarely contradicts this view, and, as Justice Holmes observed, "a page of history is worth a volume of logic," *New York Trust Co. v. Eisner*, 256 U.S. 345, 349 (1921), especially in Establishment Clause jurisprudence, *see Lee v. Weisman*, 505 U.S. 577, 632 (1992) (Scalia, J., dissenting) (quoting Justice Holmes). As this Court recognized in *Stone v. Graham*, 449 U.S. 39 (1980) (per curiam), the Decalogue is an inherently religious text. Moreover, history reveals that the Decalogue represents a flashpoint in a longstanding theological conflict between Jews, who regard it as an expression of God's unique covenant with Israel, and Christians, who venerate the Decalogue as the expression of universal natural law while rejecting the rest of Mosaic law as binding on them.

As the historical and religious references in this brief illustrate, a government that displays a particular religion's version of the Decalogue in the manner now before this Court cannot avoid endorsing one religion's viewpoint while denigrating another's; nor can it avoid alienating those with no religion and adherents of other faiths, some of which, like Islam, regard the Decalogue as an expression of a corrupted textual tradition. These displays

thereby violate the core requirement of the Establishment Clause, which is that government may not take sides, or even appear to do so, on these matters of faith. *See County of Allegheny v. ACLU Greater Pittsburgh Chapter*, 492 U.S. 573, 593-94 (1989) ("The Establishment Clause, at the very least, prohibits government from appearing to take a position on questions of religious belief . . . .").

I. The Ten Commandments Are a Religious Text, Subject to Differing Versions and Interpretations by Different Religions.

The scriptures of ancient Israel present the Ten Commandments, referred to in Hebrew as *asereth ha-devarim* (the "Ten Words" or the "Decalogue"), *Deuteronomy* 4:13, 10:4,[2] in two unnumbered lists. The first enumeration of the Decalogue appears in Exodus:

> God spoke all these words, saying:
>
> I the Lord am your God, who brought you out of the land of Egypt, the house of bondage; You shall have no other gods besides Me.
>
> You shall not make for yourself a sculptured image, or any likeness of what is in the heavens above, or on the earth below, or in the waters under the earth. You shall not bow down to them or serve them. For I the Lord your God am an impassioned God, visiting the guilt of the parents upon the children, upon the third and upon the fourth generations of those who reject Me, but showing kindness to the thousandth generation of those who love Me and keep My commandments.

[2] Biblical citations in this Section and in Section II.A refer to the 1999 Jewish Publication Society *Tanakh* translation found in THE JEWISH STUDY BIBLE (Adele Berlin & Marc Zvi Brettler eds., 2004). All other biblical citations in this brief, starting with Section II.B, refer to the Christian New Revised Standard Version found in THE NEW OXFORD ANNOTATED BIBLE (Bruce M. Metzger & Roland E. Murphy eds., 1994). Both text and verse numbers (but not chapter numbers) vary between these versions' renditions of the Hebrew scriptures.

You shall not swear falsely by the name of the Lord your God; for the Lord will not clear one who swears falsely by His name.

Remember the sabbath day and keep it holy. Six days you shall labor and do all your work, but the seventh day is a sabbath of the Lord your God: you shall not do any work – you, your son or daughter, your male or female slave, or your cattle, or the stranger who is within your settlements. For in six days the Lord made heaven and earth and sea, and all that is in them, and He rested on the seventh day; therefore the Lord blessed the sabbath day and hallowed it.

Honor your father and your mother, that you may long endure on the land that the Lord your God is assigning to you.

You shall not murder.

You shall not commit adultery.

You shall not steal.

You shall not bear false witness against your neighbor.

You shall not covet your neighbor's house: you shall not covet your neighbor's wife, or his male or female slave, or his ox or his ass, or anything that is your neighbor's.

Exodus 20:1-14. A second version of the Commandments appears in Deuteronomy, following an introduction by Moses explaining their origin:

> Moses summoned all the Israelites and said to them: Hear, O Israel, the laws and rules that I proclaim to you this day! Study them and observe them faithfully!
>
> The Lord our God made a covenant with us at Horeb [Mt. Sinai]. It was not with our fathers that the Lord made this covenant, but with us, the living, every one of us who is here today. Face to face the Lord spoke to you on the mountain out of the fire . . . saying . . . .

Deuteronomy 5:1-5. There follows a similar list of the Commandments, *see id.* 5:6-18, that differs from the Exodus version in a few notable respects. While Exodus provides that God's people should observe the Sabbath because God rested on that day after creating the world, *Exodus* 20:11, in Deuteronomy the commandment derives from Israel's freedom from slavery: "Remember that you were a slave in the land of Egypt and the Lord your God freed you from there with a mighty hand and an outstretched arm; therefore the Lord your God has commanded you to observe the sabbath day." *Deuteronomy* 5:15. Further, the Deuteronomic version reinforces Exodus' command to honor one's parents with the added injunction "as the Lord your God has commanded you, that you may long endure, and that you may fare well, in the land that the Lord your God is assigning to you." *Id.* 5:16.

While both Exodus and Deuteronomy present the Commandments in unnumbered lists, Jews and Christians later organized them in groups of ten, as seen in the attached Appendix at 1a. The differences in their respective groupings reflected a preference between the Exodus and Deuteronomic versions and the different theological emphases of the two communities. *See* WALTER J. HARRELSON, THE TEN COMMANDMENTS AND HUMAN RIGHTS 15-40 (rev. ed. 1997). Thus, Jews include the statement "I am the Lord your God, who brought you out of the land of Egypt, out of the house of slavery" in the First Commandment, to emphasize God's special covenant with the people of Israel. *See* Moshe Greenberg, *The Decalogue Tradition Critically Examined*, *in* THE TEN COMMANDMENTS IN HISTORY AND TRADITION 83, 99 (Ben-Zion Segal & Gershon Levi eds., Engl. ed. 1990); *infra* Section II.A. By contrast, Roman Catholics and some Protestants typically do *not* include this statement as part of the Commandments themselves – a practice exemplified by both the Kentucky courthouse displays and the Texas monument. *See ACLU of Ky. v. McCreary County, Ky.*, 354 F.3d 438, 443 n.2 (6th Cir. 2003); Pet. for Cert. at 8, *Van Orden v. Perry*, No. 03-1500 (filed Mar. 31, 2004) (showing the statement's inclusion in a general heading, not as part of the First Commandment).

Similarly, Jews and many Protestants include the rule against idolatry as a separate commandment, while Catholics include the rule in the First Commandment or omit it entirely. Further, while the Jewish version of the Decalogue proscribes "murder," many Christian translations construe the commandment more broadly to ban all killing. Finally, Jews and most Protestants group the various "coveting" rules into a single commandment, while Catholics and Lutherans break them into two separate commandments. *See* Appendix at 1a. These differences have religious significance, and government is unavoidably involved in religion by selecting a version of the Ten Commandments to present publicly.

Moreover, whatever its form, the Decalogue is scripturally authoritative *only* for Jews and Christians. Islam teaches that Jews and Christians have corrupted the biblical texts and that, as a result, the Quran is the only fully accurate revelatory text. *See, e.g.*, HUSTON SMITH, THE RELIGIONS OF MAN 203 (1958). The Quran contains no counterpart to the Decalogue, although commandments given by the Prophet (not by Allah) in 6:151-153 are somewhat similar in form.[3] Asian religious traditions have no analog whatsoever.

---

[3] Those verses provide:

> Say: "Come, I will tell you what your Lord has made binding on you: that you shall serve no other gods besides Him; that you shall show kindness to your parents; that you shall not kill your children because you cannot support them (We provide for you and for them); that you shall not commit lewd acts, whether openly or in secret; and that you shall not kill – for that is forbidden by God – except for a just cause. Thus God exhorts you, that you may grow in wisdom."
>
> Do not tamper with the property of orphans, but strive to improve their lot until they reach maturity. Give just weight and full measure; We never charge a soul with more than it can bear. Speak for justice, even if it affects your own kinsmen. Be true to the covenant of God. Thus He exhorts you, so that you may take heed.

(Continued on following page)

II. The Decalogue Is Not Part of a Generic "Judeo-Christian Tradition" and Historically Has Been a Significant Source of Tension Between These Two Faiths.

A. The Decalogue Enjoys a Special Status in the Jewish Tradition.

The special status of the Decalogue for Jews is evident from the scriptures themselves: The Decalogue was directly revealed by God. *See Exodus* 20:1; *Deuteronomy* 5:4-5. The Bible also tells that God Himself inscribed the words of the Decalogue directly onto stone tablets. *See Exodus* 24:12, 32:15-16; *Deuteronomy* 9:10. While the substance of some commandments was shared by neighboring cultures, this emphasis that the commandments issued directly from God is largely without parallel. Among Orthodox Jews today, this biblical stress on the divine origins of the Decalogue extends to the entirety of the Torah, the first five scriptural books of *Bereshit* (Genesis), *Shemot* (Exodus), *Vayiqra* (Leviticus), *Bemidbar* (Numbers), and *Devarim* (Deuteronomy). Other books come from prophets, sages, or kingly courts, but the Torah comes directly from God. The Ten Commandments, therefore, are no different from, and an integral part of, a larger religious text, all of which is sacred.

The Torah narrates several binding legal agreements between God and human beings. In Genesis, for example, God directs Noah, the other survivors of the great flood, and their descendants – in other words, all of humanity at that time – to populate the earth, not to eat living meat, and not to shed human blood because humanity is created in the divine image. *Genesis* 9:1-11. Eventually, the rabbis referred to these commands (along with God's commands to Adam and Eve) as the Noahide commands, which are

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> This path of Mine is straight. Follow it and do not follow other paths, for they will lead you away from Him. He thus exhorts you, so that you may guard yourself against evil.

THE KORAN 6:151-53 (N.J. Dawood trans., Penguin Books 5th rev. ed. 1999).

binding on the *entire* human race. The Decalogue, however, is different. God presented the Decalogue as part of His singular covenant with the Israelites, all of whom had assembled at Mt. Sinai (Horeb). *See Deuteronomy* 5:1-5. The uniqueness of the covenant is apparent in the initial words of the Decalogue: It is the Lord God *who brought Israel out of Egypt* who commands obedience, *see Exodus* 20:2, and the people of Israel may have no other deities nor make any image of the divine lest they disobey the One responsible for their very survival as a people, *see id.* 20:3-4. After hearing the Decalogue, the people of Israel solemnized the covenant by sprinkling blood on themselves and on an altar, *see id.* 24:3-8, and exclaiming, "All that the Lord has spoken we will faithfully do!" *Id.* 24:7.

For Jews, therefore, the Ten Commandments are more than a mere summary of their legal obligations: Together with the rest of Mosaic law in the Torah, they express Jews' self-understanding as a people chosen by God from all the nations of the world to have a unique relationship with Him and who, as a result, bear unique responsibilities. The Decalogue makes greater demands on the Jews than the universally applicable Noahide laws, and the terms of the Sinai Covenant, including the Decalogue, are unique to the Jewish people.

B. Christianity Rejected Jewish Law but Continued to Venerate the Decalogue as a Religious Text Divorced from Its Jewish Origin.

Christianity emerged in the first century of the Common Era ("c.e.") as a Jewish eschatological movement whose adherents believed that Jesus was the messiah, or Christ, who would save the people of Israel from the Gentile-dominated world. As Christianity spread throughout the eastern Roman Empire, however, non-Jewish populations eventually dominated the membership of the Church, contributing to the separation of Judaism and Christianity. *See generally* JAMES D.G. DUNN, THE PARTINGS OF THE WAYS: BETWEEN CHRISTIANITY AND JUDAISM AND THEIR SIGNIFICANCE FOR THE CHARACTER OF CHRISTIANITY

(1991). This transition generated many disputes over whether all the Laws of Moses governed non-Jewish Christians. Following considerable debate displayed in the pages of the New Testament,[4] Christians generally did not follow Mosaic law, with one notable exception: the Ten Commandments, which they embraced in modified form.

Perhaps because of the biblical traditions of ancient Israel or due to Jewish customs in the time of Jesus, early Christians held the Ten Commandments in special regard. Around 180 c.e., the Christian theologian Irenaeus wrote that anyone who failed to observe the Decalogue would not receive salvation. IRENAEUS, IV AGAINST HERESIES 15:1, *available at* http://www.columbia.edu/cu/augustine/arch/irenaeus/ (last visited Dec. 9, 2004). Irenaeus justified Christians' veneration of the Decalogue over the other, "Jewish" laws of Moses by identifying the Decalogue with the "natural law" that God had written on *every* human heart at creation. *Id.* God originally intended to give *only* the Decalogue to Israel and "did then demand nothing more of them." *Id.* But after the Israelites worshipped the Golden Calf, *see Exodus* 32:1-10, God issued the remaining Mosaic laws to correct their waywardness: "The laws of bondage . . . were one by one promulgated to the people by Moses, suited for their instruction or for their punishment." IV IRENAEUS 16:5.

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[4] For example, the Gospel of Mark advocates abolishing the Jewish dietary laws (*kashrut*) on the ground that Jesus "declared all foods clean." *Mark* 7:19. The Gospel of Matthew argues precisely the opposite, portraying Jesus as instructing:

> Do not think that I have come to abolish the law or the prophets, I have not come to abolish but to fulfill. . . . Therefore, who ever breaks one of the least of these commandments, and teaches others to do the same, will be called least in the kingdom of heaven; but whoever does them and teaches them will be called great in the kingdom of heaven.

Matthew 5:17, 19. Acts of the Apostles adopts a middle ground, teaching that Christians should follow simple food laws (resembling the Noahide commands) so that Jewish and Gentile Christians could share common meals. *Acts* 15:20, 29.

Thus, Mosaic law beyond the Decalogue was not meant for Christians but only for the sinful Jews. In contrast, Jesus had spoken "to all alike the words of the Decalogue; and therefore, in like manner, do they remain permanently with us," *id.* 16:4; *see also Matthew* 19:16-22 (quoting Jesus: "If you wish to enter into life, keep the commandments."). Christians were to obey the Ten Commandments not because they were announced on Mount Sinai – which would legitimate all Mosaic law – but because, as restated by Jesus, they reflected universal natural law. The third-century theologian Origen characterized Mosaic law as an outmoded relic of the divinely cursed Jews.[5] *See* ORIGEN, IV CONTRA CELSUM § 22 (Henry Chadwick trans., Cambridge Univ. Press 1980) ("[Because of the crucifixion the] Jewish nation had to be overthrown, and God's invitation to blessedness transferred to others, I mean the Christians, to whom came the teaching about the simple and pure worship of God. And they received new laws which fit in with the order established everywhere."). Christians, not the Jews, were now the covenanted people of God, and they did not need to obey the Jewish Law of Moses but only the universal Law of Christ.

This linkage between the Decalogue and natural law remains a staple of Christian thought, *see, e.g.*, U.S. CATHOLIC CONFERENCE, CATECHISM OF THE CATHOLIC CHURCH § 2070, at 502-03 (1994) ("The Decalogue contains a privileged expression of the natural law . . . .") (citing IV IRENAEUS 15:1), and speaks to the unusual role of the Decalogue in the history of Jewish-Christian polemics and religious belief.

C. Jews Responded to the Rise of Christianity, in Part, by Emphasizing the Decalogue as Only One Aspect of Their Larger, Unique Covenant with God.

Before the rise of Christianity, Jews maintained the special status of the Decalogue: The *Mishnah* describes

[5] The belief that Jews were divinely cursed persisted until after the Nazi Holocaust.

the reading of the Decalogue as part of Temple morning prayer. *See Tamid* V.1. But when Jews were confronted by the natural law theories of the increasingly influential Christian Church, they responded by moderating the Decalogue's preeminence. Thus, the Jerusalem Talmud (circa 350 c.e.) states that Jews no longer recite the Ten Commandments "[b]ecause of the ill-will of the *Minim* ['heretics' or 'apostates']. It became necessary to deny their claim that these Ten were all that were given to Moses at Mount Sinai." Jerusalem Talmud (*Talmud Yerushalmi*), *Berachot* 1:5. Likewise, the Babylonian Talmud (circa 500 c.e.) states that "the practice had long been given up because of the misrepresentations of the *Minim*." Babylonian Talmud (*Talmud Bavli*), *Berachot* 12a. The Rabbi Shlomo Yitzchaki (1040-1105), known as Rashi, explained the purpose of this text as follows: "To prevent them [the disciples of Jesus] from telling the unlearned that the rest of the Torah is untrue; and arguing that only what God spoke at Sinai [as opposed to what was spoken by Moses] should be read to the people." Ezra Zion Melammed, *"Observe" and "Remember" Spoken in One Utterance*, *in* THE TEN COMMANDMENTS IN HISTORY AND TRADITION at 191, 212.

A century after Rashi, Rabbi Joseph Kimhi wrote another defensive tract to counter the efforts of baptized Jews to convert their former co-religionists. Here again, the Decalogue was a focal point of contention. Rabbi Kimhi argued that the Torah – not just the Decalogue but the whole of Mosaic law – was God's *entire* revelation, not to be augmented with the Christian New Testament. Nor could any of the Torah's commands be expunged:

> [The two tablets] were inscribed on both sides so that the Gentiles and all the nations which were to follow could not say that God had not completed His work, having left one side of the tablets empty so that He might write other laws and a new Torah. [The writing] was engraved on the tablets so that it could not be erased and so that they could not say that their baptismal waters which were to come could erase the writing in the holy Torah of Moses. They were inscribed on

> both sides *in the same language* and in a *few words* to teach with completeness, wisdom, and knowledge. One may not add to the Torah nor take anything away.

JOSEPH KIMHI, THE BOOK OF THE COVENANT 69-70 (Frank Talmage trans., 1972) (second alteration in original) (footnotes omitted). Thus, from Late Antiquity on, Jews stressed that the Ten Commandments were not categorically different from the other commandments that God had given to Moses on Mount Sinai. All 613 *mitzvot*, i.e., religious commandments, had the same authority behind them, and all were to be obeyed to the full extent possible. All were God's special gift to the people of Israel and *only* the people of Israel – and non-Jews were not expected to observe them.

As a result, by medieval times the Ten Commandments had become emblematic of the religious rivalry between Rabbinic Judaism and Christianity – a rivalry made all the more intense because the two traditions defined themselves in direct opposition to each other. Christians maintained observance of the Ten Commandments despite their dismissal of most of Mosaic Law, primarily because of the Christian equation of the Decalogue with natural law. Jews observed the Decalogue as a distinctive, though not unique, component of the entire Torah, given by God exclusively to the people of Israel. Further, Jews and Christians interpreted the commandments differently, particularly the commandment to observe the Sabbath and the prohibition against images of the divine. Jews frowned upon Christians' celebration of the Sabbath on the wrong day, and saw Christian statues, icons, and paintings as forms of idolatry – all evidence that Christians did not, in fact, keep all Ten Commandments. The Decalogue has played a singular role in the relations between Judaism and Christianity and serves a distinct religious role for each faith, which cannot be secularized by government fiat or the placement of the Decalogue among other secular symbols.

D. Christians and Jews Used the Decalogue as a Symbol for Judaism – but with Very Different Meanings.

The iconic dimension of the Decalogue is further evident in its use as both a Christian and Jewish symbol for Judaism. In medieval times, Christians began to use the two tablets as a symbol for Judaism. Around 1225 c.e., King Henry III required all English Jews to wear on their chests "'the shape of two white tablets made either of linen or of parchment.'" Gad B. Sarfatti, *The Tablets of the Law as a Symbol of Judaism* [hereinafter "Sarfatti"], *in* THE TEN COMMANDMENTS IN HISTORY AND TRADITION at 383, 403 (quoting D'BLOSSIERS TOVEY, ANGLIA JUDAICA, OR, THE HISTORY AND ANTIQUITIES OF THE JEWS IN ENGLAND 79 (Oxford 1738)). In 1275, his successor Edward I further specified that all Jews were to wear "'a badge of yellow cloth in the shape of two tablets, six fingers long, and three fingers wide.'" *Id.* (quoting TOVEY at 202, 205). The majority thus could identify dissenters with ease.

Similarly, a frequent motif in late medieval Christian art was the contrast between the feminine figures of Ecclesia (Church) and Synagoga (Synagogue). *See* HEINZ SCHRECKENBERG, THE JEWS IN CHRISTIAN ART: AN ILLUSTRATED HISTORY 31-74 (John Bowden trans., 1996). Typically, Ecclesia stands proud and erect, regally crowned and holding a Eucharistic chalice in one hand and a triumphant banner in the other. Synagoga, by contrast, is slumped and defeated with a crown falling off her head, and often blindfolded because she fails to see the truth of the Gospel. Synagoga holds in one hand a broken staff, and falling from her other hand is either a torn Torah scroll or the inverted tablets of the Decalogue. *See* illustration, in attached Appendix at 2a. The inverted Decalogue symbolized the Jews' displacement by the Christian church.

In the fifteenth century, Jews began to use the Decalogue as a positive symbol of their own on ornate synagogue Arks used to keep the Torah scrolls. This was a natural association of the synagogue Ark with the biblical Ark of the Covenant, which stored the actual tablets of the

Decalogue. For Jews, the tablets served both to counter the Christian symbol of the cross and to assert the divine origins of the Law. The tablets gradually became a standard symbolic feature in synagogue ornamentation. *See* Sarfatti at 417-18.

The arrangement of the Ten Commandments was also significant. Jewish depictions usually followed the organization given in rabbinic literature, with two tablets each containing five Commandments (the first being "I the Lord am your God . . . ," understood to command belief in the God who freed Israel). Christians typically followed the pattern established by Augustine, placing the first three commandments dealing with obligations toward God on the first tablet and the remaining seven dealing only with human obligations on the second. These arrangements reflect not only different enumeration of the Commandments, *see* Appendix at 1a, but also the different theological emphases of the two traditions. As a result, any visual arrangement of the Decalogue will necessarily reflect: (1) a Jewish theological construction of the Ten Commandments in tablet form; (2) a Christian theological construction of the same; or (3) presented in some other form, a disregard of the distinct understandings of the Decalogue held by Jews and Christians.

E. The Concept of the "Judeo-Christian Tradition" Is a Recent Protestant Innovation that Masks This Historic Tension, Especially with Regard to the Decalogue.

The concept of a "Judeo-Christian tradition" often arises in Establishment Clause cases. *See, e.g.*, *Lee v. Weisman*, 505 U.S. 577, 589 (1992) (holding that it is not government's task to promote nonsectarian, Judeo-Christian prayer in context of public school graduations); *Marsh v. Chambers*, 463 U.S. 783, 793 (1983) (upholding solemnizing legislative prayers offered "in the Judeo-Christian tradition"). Given the history of tension between these faiths – with Christians until the twentieth century denying the continuing validity of Judaism, and Jews

seeking to preserve their religious convictions and practices against the rise of a Christian majority – it should come as no surprise that the emergence of this common "tradition" is a relatively recent development. Further, the concept is itself a sectarian creation; rather than elevate the status of minority Jewish and Catholic traditions, it subordinates them to a generally Protestant belief system – a phenomenon particularly evident in the context of displays of the Ten Commandments such as those before this Court.

The term "Judeo-Christian" first appeared in 1899 as a reference to Christianity's roots in biblical Israel. *See* Mark Silk, *Notes on the Judeo-Christian Tradition in America*, 36 AM. Q. 65, 65-66 (1984). As a term used to denote common values shared by Jews and Christians, it became popular in the United States as a slogan against both fascist anti-Semitism and atheistic communism. Some Jews welcomed the expression as an indication of their full participation in American life, but others warned that the concept, however well-intentioned, threatened to absorb Jews' distinctive identity into a generic American Protestant "civil religion." For similar reasons, American Catholics did not embrace the term, and the "Judeo-Christian tradition" remained largely a Protestant phenomenon. *See id.* at 69-79.

Indeed, Protestant thinkers such as Reinhold Niebuhr and Paul Tillich advocated a concept of the Judeo-Christian tradition that, notwithstanding its apparent inclusiveness, incorporated various aspects of the historical struggle between Jews and Christians and between Protestants and Catholics. As noted above, Christians long minimized the legal authority of the Torah. Protestant thinkers instead emphasized the prophets as the critical commonality between Jews and Christians, thereby continuing the Christian preference for the prophetic books of the Old Testament as pointing to the coming of Christ.[6]

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[6] This Christian preference for the prophets over the Torah (known to Christians by its Greek name, the Pentateuch), is reflected in the practices of those churches that use a common lectionary for readings

(Continued on following page)

Thus, Niebuhr wrote that "'I have, . . . as a Christian theologian, sought to strengthen the Hebraic-prophetic content of the Christian tradition,'" *id.* at 71 (quoting Reinhold Niebuhr, *Introduction* to WALDO FRANK, THE JEW IN OUR DAY at 3, 4 (1944)), while Tillich argued that Christianity was "'always in danger of losing her prophetic spirit'" and therefore needed "'the prophetic spirit included in the traditions of the synagogue,'" *id.* at 71-72 (quoting unpublished Tillich manuscript quoted in A. ROY ECKHARDT, CHRISTIANITY AND THE CHILDREN OF ISRAEL 146-47 (1949)). Niebuhr in particular saw the Hebrew prophets as brothers in arms in combating the teachings of the Catholic Church, which, by proclaiming the pope as the vicar of Christ on earth, was "'inferior to Hebraic prophetism in failing to observe a proper distinction between the divine and the human.'" *Id.* at 77 (quoting REINHOLD NIEBUHR, THE SELF AND THE DRAMAS OF HISTORY 103 (1955)).

Catholics and Jews alike opposed this Protestant construction of the "Judeo-Christian tradition." One Jesuit theologian, John Courtney Murray, responded that Protestantism, Catholicism, and Judaism were "'radically different'" religious traditions, none of which "'is reducible, or perhaps even comparable, to any of the others.'" *Id.* at 77 (quoting JOHN COURTNEY MURRAY, WE HOLD THESE TRUTHS: CATHOLIC REFLECTIONS ON THE AMERICAN PROPOSITION 138 (1960)). Their co-existence in American society was possible, not because of any common lineage, but because of "'the articles of peace which are the religion-clauses of the First Amendment.'" *Id.* (quoting MURRAY at 125). For their part, Jews concerned about maintaining traditional teachings and practices saw the "Judeo-Christian tradition" as another instance of Christians supplanting the Torah, their most authoritative biblical texts, by exalting the prophets. Thus, Jewish scholar Bernard Heller praised Tillich's love of "'the prophetic spirit included in the tradition of the Synagogue,'" but he

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during worship. Readings from the prophetic books outnumber readings from the Pentateuch by a margin of approximately three to one.

stressed the difference between the centrality of Christ for Christians and of the Torah for Jews and refused "'to accept the kiss of death'" that the "Judeo-Christian tradition" represented for Judaism. *Id.* at 78-79 (quoting Bernard Heller, *About the Judeo-Christian Tradition*, 1 JUDAISM 257, 260-61 (1952)).

As a result, while the concept of a "Judeo-Christian tradition" represents a commendable effort to be inclusive, it masks an assimilation of minority Jewish and Catholic religious practices into the general American Protestant ethos, and a disregard for the views of those who are not Protestant, Catholic, or Jewish. Seen in this light, government efforts to present the Ten Commandments in a "nonsectarian" or "Judeo-Christian" form obscure the distinctive Jewish and Christian understandings of their significance. Attempts to make the Decalogue both Jewish (reflecting God's unique covenant with the Israelites) and Christian (adopting a universal natural law divorced from other Jewish law) yield instead a Decalogue that is neither. Moreover, this Decalogue would plainly stand apart from other religions (such as Islam) and alienate those with no religious belief. *See Lynch v. Donnelly*, 465 U.S. 668, 727 (1984) (Blackmun, J., dissenting) (using a crèche in "a setting where Christians feel constrained in acknowledging its symbolic meaning and non-Christians feel alienated by its presence" is "a misuse of a sacred symbol").

III. The Texas and Kentucky Displays Exemplify the Tensions Between the Jewish and Christian Traditions and Demonstrate How Displays of the Decalogue Violate the Establishment Clause.

In *County of Allegheny v. ACLU Greater Pittsburgh Chapter*, 492 U.S. 573 (1989), the Court summarized its Establishment Clause jurisprudence by noting that, "[i]n recent years, we have paid particularly close attention to whether the challenged governmental practice either has the purpose or effect of 'endorsing' religion, a concern that has long had a place in our Establishment Clause jurisprudence." *Id.* at 592 (citing *Engel v. Vitale*, 370 U.S. 421,

436 (1962)). The crucial question, therefore, is whether a display of the Decalogue reflects the state's desire to promote or disfavor a religious viewpoint, either in actuality or as perceived by a reasonable observer:

> Whether the key word is "endorsement," "favoritism" or "promotion," the essential principle remains the same. The Establishment Clause, at the very least, prohibits government from appearing to take a position on questions of religious belief or from "making adherence to a religion relevant in any way to a person's standing in the political community."

Id. at 593-94 (quoting *Lynch*, 465 U.S. at 687 (O'Connor, J., concurring)); *see also id.* at 630-31 (O'Connor, J., concurring in part and concurring in the judgment) (noting that reasonable observer in endorsement inquiry is presumed to be familiar with the community and the history of the practice at issue).

The history of the Decalogue as both a religious text and a lightning rod in theological disputes between Judaism and Christianity supplies the answer to the question before the Court: The governmental displays of the Ten Commandments in Texas and Kentucky violate the Establishment Clause. When the state erects a monumental or framed rendition of this sacred text, with a particular selection and arrangement of text and symbolism divorced from a program of study and dialogue, it inevitably creates the appearance that government has endorsed – or demeaned – at least one form of religious belief.

A. The Ten Commandments Are Inherently Religious, and by Displaying a Single Version of Them, These Displays Send a Religious Message.

The Decalogue is not only largely religious in its words, but – like any familiar prayer – it is inherently associated with religion: Indeed, the Ten Commandments fall at the core of religion. For many Jews, they symbolize the very word of God and His unique covenant with the Jewish

people. For Christians, they are the text of universal natural law, restated by Jesus and removed from their original context at Mt. Sinai – and thus, until very recently, they also symbolized Christianity's rejection of Judaism and Jewish law more generally. For Muslims, the Decalogue has quite a different meaning, for its particular words and the symbol of the tablets represent a corrupted or inferior expression of divine revelation. And over time Judaism and Christianity have alternatively encouraged or suppressed public recitation or veneration of the Commandments, and used them as religious symbolism, with those choices having very different meanings for each religion.

Thus, the Decalogue *is* religious speech, religious identity, and religious symbolism. But it is *not* symbolic of *all* religions in some generic sense, as no static, public display of a single interpretation of the Decalogue could carry that weight. That task is all the more complicated because there is no generalized "Judeo-Christian" notion of the Ten Commandments acceptable to Jews and Christians. Even if Judaism and Christianity were the *only* religious influences on Western thought, a display of the Decalogue simply could not be all things to all people.

The Texas and Kentucky displays illustrate the dilemma in trying to create a generic celebration of the Decalogue. As described in numerous appellate decisions, the Texas monument arose as part of a wide-ranging effort to use a purportedly "nonsectarian" version of the Ten Commandments to teach American youth a common code of conduct. *See, e.g.*, *Books v. City of Elkhart, Ind.*, 235 F.3d 292, 294-95 (7th Cir. 2000), *cert. denied*, 532 U.S. 1058 (2001). Yet, the Texas monument contains two small Stars of David *and* the superimposed Greek letters Chi and Rho, a symbol for Christ. *See Van Orden v. Perry*, 351 F.3d 173, 176 (5th Cir. 2003).[7] This juxtaposition in a government display is troubling, especially for Jews who would object to

[7] There are no symbols representing other religious traditions on the monument – nor could there be, for no other traditions regard the Decalogue as authoritative.

any Jewish symbols appearing alongside a symbol designating Jesus as the Messiah and under a Christian translation of only ten of the 613 Mosaic commands. As for the Commandments themselves, the Texas monument depicts two small tablets containing a Hebrew version of the Decalogue, with the Commandments evenly divided between the tablets as in the Jewish tradition. *See supra* Section II.D. But as its primary presentation of the Decalogue, the monument contains an abbreviated, unnumbered English version of the commandments in a single column, taken from the Protestant King James Bible.[8] While the designers sought to be inclusive on the numbering and organization of the commandments, no arrangement of the commands will alter the implication of the first words, "I am the Lord your God," for Jewish viewers. Jews view this as a reference to God, who freed them from slavery in Egypt and who commands as part of the Sinai covenant. Its presentation on the monument alongside Christian symbolism appears to signify that the Sinai covenant includes non-Jews or that the Decalogue is severable from the rest of the covenant – neither of which is acceptable in the Jewish tradition.

The Texas monument exemplifies the problems of the "Judeo-Christian" ethic, at least as applied to the Decalogue. By adopting an apparent "Judeo-Christian" interpretation of the Ten Commandments, the monuments appear to endorse these faiths over other religious beliefs or the absence of any belief – the monument is "nonsectarian" only if one forgets, for the moment, about sects other than Judaism or Christianity. *See County of Allegheny*, 492 U.S. at 615 ("The simultaneous endorsement of Judaism or Christianity is no less constitutionally infirm than the endorsement of Christianity alone.") (opinion of Blackmun, J.). It thus communicates an exclusionary message prohibited by the Establishment Clause. *See Lynch*, 465 U.S. at 688 (O'Connor, J., concurring)

[8] The King James translation differs noticeably from the Catholic translation in use when the monument was erected, yet the designers apparently hoped that this text would be acceptable to Protestants and Catholics alike.

("Endorsement sends a message to nonadherents that they are outsiders, not full members of the political community, and an accompanying message to adherents that they are insiders, favored members of the political community."). At the same time, attempting to homogenize the Decalogue's defining characteristics for Jews and Christians distorts these fundamental aspects of religious identity. *See id.* at 727 (Blackmun, J., dissenting) (noting that use of a crèche in "a setting where Christians feel constrained in acknowledging its symbolic meaning and non-Christians feel alienated by its presence" is "a misuse of a sacred symbol"). Finally, even if a "Judeo-Christian" slant on the Decalogue were historically or theologically justified, it is not the state's place to promote that interpretation:

> If common ground can be defined which permits once conflicting faiths to express the shared conviction that there is an ethic and a morality which transcend human invention, the sense of community and purpose sought by all decent societies might be advanced. But though the First Amendment does not allow the government to stifle prayers which aspire to these ends, neither does it permit the government to undertake that task for itself.

Lee v. Weisman, 505 U.S. 577, 589 (1992).

The courthouse displays in McCreary and Pulaski Counties, Kentucky, present the other horn of the dilemma; rather than homogenize the Jewish and Christian interpretations of the Decalogue, these counties simply adopted a particular Christian version. The displays use the King James translation of Exodus, thereby appearing to prefer that Protestant text to either the Jewish or Catholic translations. *See ACLU of Ky. v. McCreary County, Ky.*, 354 F.3d 438, 443 n.2 (6th Cir. 2003). Further, and of great religious significance, the displays leave out the prefatory statement "I am the Lord your God," *see id.*, omitting what is, for the Jew, perhaps the single most important statement in the entire Decalogue, *see supra* Section II.A. From that perspective, the display represents the counties' rejection of the true meaning of the Decalogue as part of

God's unique covenant with Israel. Even if that was unintentional, the effect is a demeaning caricature of a sacred text. Either message is constitutionally infirm.

B. The Historical Importance of the Decalogue Does Not Justify the Displays that Are Before the Court.

The State of Texas and McCreary and Pulaski Counties, Kentucky, justified their displays by invoking the historical, secular importance of the Ten Commandments. *See McCreary*, 354 F.3d at 446-47; *Van Orden*, 351 F.3d at 177. But the Texas monument itself conveys no such message, while the Kentucky displays contain no discussion of the Decalogue other than the bald assertions that it has "profoundly influenced the formation of Western legal thought and the formation of our country" and provides "the moral background of the Declaration of Independence and the foundation of our legal tradition." *McCreary*, 354 F.3d at 443. Moreover, even accepting these statements of secular purpose, the historical significance of the Decalogue does not outweigh the religious messages conveyed by the displays.

Undoubtedly, the Decalogue is of historical importance – but then so is much in religion. The Decalogue's general familiarity to most inhabitants of our Nation does not mean that the state can safely assume that a viewer of its display perceives it *ipso facto* as purely a "historical document" or as an "educational" exhibit about the development of Western culture or Western law. Here, the displays lacked any such historical or educational context.[9] They thus differ from other displays of the Commandments that are presented in a clearly secular manner:

> [A] carving of Moses holding the Ten Commandments, if that is the only adornment on a courtroom wall, conveys an equivocal message, perhaps of respect for Judaism, for religion in general, or for law. The addition of carvings depicting Confucius and Mohammed may honor religion, or particular religions, to an extent that the First Amendment does not tolerate .... Placement of secular figures such as Caesar Augustus, William Blackstone, Napoleon Bonaparte, and John Marshall alongside these three religious leaders, however, signals respect not for great proselytizers but for great lawgivers.

County of Allegheny, 492 U.S. at 652-53 (Stevens, J., concurring in part and dissenting in part).

The Decalogue, even in just one of its forms, unquestionably *could* be included in a public high school course as part of a properly planned curriculum on historical texts. But it would defy logic and common sense to conclude here that the monumental display of the Decalogue in a particular form on the grounds of a state capitol, or framed on the wall of a county's halls of justice, has only an educational meaning. Indeed, in the Kentucky case, it is hard to imagine the curator of a display presented solely for secular study to be as devoted as the county employees were here to modifying the display repeatedly to satisfy judicial scrutiny. Remarkably, in all the changes that were made, Kentucky's adopted version of the Decalogue never changed, in all instances maintaining its steadfast adherence to a particular understanding of the Decalogue, in the very halls where litigants – both Christian and non-Christian, religious and non-religious – walk to find redress for discrimination or vindication from the state's accusations of wrongdoing. As for the Texas monument, it is permanent in its features and not part of any curator's secular effort to educate about the topic of religion.

While in some contexts, an "explanatory plaque" may confirm that a public display of a religious symbol does not represent the government's sponsorship of religious beliefs, *see id.* at 619 (opinion of Blackmun, J.), in light of the contentious religious history of the Decalogue and the central role it plays in Judaism and Christianity, only a substantial educational discourse on the religious, historical

[9] For example, there would be no constitutional problem with a Utah state capitol monument depicting Brigham Young and other Mormons traveling to the territory to establish their home, as a depiction of that state's history.

and ethical relationship between the Ten Commandments and the development of American law and mores would be sufficient to present the Decalogue in a way that avoids a message of government endorsement. Certainly the mere display of the Decalogue in proximity of other secular symbols is not enough to secularize this deeply religious symbol. *See Stone v. Graham*, 449 U.S. 39, 42 (1980) (per curiam) (contrasting the use of the Decalogue in a school curriculum with its mere posting on a school wall). But Texas and Kentucky chose instead to erect a single, static, enduring display, leaving the viewer to perceive nothing but an impermissible religious message.

C. The Ten Commandments Are Not Part of Any "Ceremonial Deism," Nor Should They Be.

At various times, this Court and individual Justices have recognized that some government conduct that might formally be considered religious does not implicate the Establishment Clause because it poses no significant threat of establishing a state religion or has, over time, lost its religious meaning. *See Marsh v. Chambers*, 463 U.S. 783, 795 (1983) (holding that 200-year practice of opening Congress with prayer poses no threat to religious freedom); *Lynch*, 465 U.S. at 676 (noting the use of "In God We Trust" as the national motto and "One Nation under God" in the Pledge of Allegiance); *id.* at 716 (Brennan, J., dissenting) (noting that religious references in Pledge of Allegiance and motto should be "protected from Establishment Clause scrutiny chiefly because they have lost through rote repetition any significant religious content"); *see also Elk Grove Unified Sch. Dist. v. Newdow*, 124 S. Ct. 2301, 2326 (2004) (O'Connor, J., concurring in the judgment) (describing "under God" in Pledge as a "highly circumscribed reference to God" and "tolerable attempt to acknowledge religion and to invoke its solemnizing power without favoring any individual religious sect or belief system"). Whatever the legal or cultural merits of "ceremonial deism" such as that exhibited in legislative prayer or the national motto, displays of the Decalogue plainly do not invoke that concept. As the history

of the Decalogue makes abundantly clear, the Ten Commandments implicate fundamental questions of religious identity – for the Jew, his identity as a member of God's chosen people; and for the Christian, her adherence to natural laws that Jesus Christ restated for all humanity. As this Court has rightly recognized, "[t]he Ten Commandments are undeniably a sacred text in the Jewish and Christian faiths." *Stone*, 449 U.S. at 41.

While Jews and Christians interpret the Decalogue differently, they would certainly share a common revulsion at the idea that its display should be exempt from the Establishment Clause because the Commandments have lost their religious content. Indeed, that "finding" as if it were a matter of judicial notice would be a constitutional and theological outrage, for Jews and Christians generally, and no doubt for the proponents of the Texas and Kentucky displays. As the Court recognized in *Engel v. Vitale*, 370 U.S. 421 (1962), the Establishment Clause exists not only to protect the vitality of the state, but also that of the church:

> [The Establishment Clause's] first and most immediate purpose rested on a belief that *a union of government and religion tends* to destroy government and *to degrade religion*. The history of governmentally established religion, both in England and in this country, showed that whenever government had allied itself with one particular form of religion, the inevitable result had been that it had incurred the hatred, disrespect and even contempt of those who held contrary beliefs. That same history showed that many people had lost their respect for any religion that had relied upon the support for government to spread its faith. The Establishment Clause thus stands as an expression of principle on the part of the Founders of our Constitution that religion is too personal, too sacred, too holy, to permit its "unhallowed perversion" by a civil magistrate.

Id. at 431-32 (footnotes and citations omitted) (emphasis added).

In addition to alienating nonbelievers, Jews, Christians, Muslims, Hindus and others alike, the Texas and Kentucky displays are likely to have precisely this degrading effect: In Texas, by homogenizing the Jewish and Christian interpretations of the Decalogue into a watered-down version satisfying to neither group, and in Kentucky, by blanketly asserting, with no evidentiary support, some fundamental connection between the King James text of the Commandments and American democracy. It would be ironic – and most unwelcome from the perspective of *amici* – if upholding these displays contributed to devaluing a sacred text dear to many of this country's faithful.

* * *

Twenty-four years ago, in *Stone v. Graham*, this Court recognized that the Constitution placed limits on the government display of the Ten Commandments, because the Decalogue is "undeniably a sacred text in the Jewish and Christian traditions" and thus the purpose of a statute requiring its posting in public classrooms was "plainly religious in nature." *Stone*, 449 U.S. at 41. While venerating the Commandments might be desirable "as a matter of private devotion, it is not a permissible state objective under the Establishment Clause." *Id.* at 42. The Court's subsequent elaboration of the "endorsement" inquiry under the Establishment Clause, and history's demonstration of the impossibility of posting a universally acceptable or "generic" version of the Decalogue, confirm that *Stone* was rightly decided. The Ten Commandments are inherently religious, and the state cannot present a single interpretation of them in a static display without necessarily endorsing or denigrating at least one religious view. In their current form, the Texas and Kentucky displays violate the Establishment Clause.

CONCLUSION

In No. 03-1500, the Court should reverse the judgment of the court of appeals. In No. 03-1693, the Court should affirm the judgment of the court of appeals.

Respectfully submitted,

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December 13, 2004

VARIOUS WAYS OF NUMBERING THE DECALOGUE (EXODUS 20:2-17 (RSV))

Abbreviated Commandments by verse no.	Jewish	Augustine (5th Century)	Roman Catholic, Lutheran	Reformed Christian	Orthodox Christian	Josephus (1st Century)	Philo (1st Century)
2. I am the Lord your God, who brought you out of the land of Egypt, etc.	1	-	-	1	-	-	-
3. You shall have no other gods before me.	2	1	1	1	1	1	1
4-6. You shall not make yourself a graven image, or any likeness of anything, etc.	2	1	(omitted or included in 1)	2	2	2	2
7. You shall not take the name of the Lord your God in vain, etc.	3	2	2	3	3	3	3
8-11. Remember the Sabbath day, to keep it holy, etc.	4	3	3	4	4	4	4
12. Honor your father and your mother, etc.	5	4	4	5	5	5	5
13. You shall not kill.[2]	6	5	5	6	6	6	7
14. You shall not commit adultery.	7	6	6	7	7	7	6
15. You shall not steal.	8	7	7	8	8	8	8
16. You shall not bear false witness against your neighbor.	9	8	8	9	9	9	9
17a. You shall not covet your neighbor's house.	10	9 (wife)	9	10	10	10	10
17b. You shall not covet your neighbor's wife, etc.	10	10 (rest of *Dt.* 5:21)	10	10	10	10	10

[1] Adapted from WALTER J. HARRELSON, THE TEN COMMANDMENTS AND HUMAN RIGHTS 40 (rev. ed. 1997). Some textual differences result from the use of the Deuteronomic text rather than the Exodus text.

[2] In the Jewish tradition, this Commandment unambiguously prohibits murder, or illegal killing (in Hebrew, *ratzach*), while Christian translations often construe the Commandment more broadly to prohibit all killing.

Illustration

Images of Ecclesia and Synagoga on the west portal of the Liebfrauen-kirche in Trier, Germany, dating to approximately 1250 c.e, taken from HEINZ SCHRECKENBERG, THE JEWS IN CHRISTIAN ART: AN ILLUSTRATED HISTORY 50 (John Bowden trans., 1996). Note the inverted Tablets of the Decalogue in Synagoga's hand.

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Philip A. Cunningham

Current Positions

Boston College, Chestnut Hill, Massachusetts, 02467 (2000 – present)

- Executive Director of The Center for Christian-Jewish Learning
- Adjunct Professor of Theology

College Teaching Experience

Undergraduate

- The Hebrew Bible: Story of the Chosen People
- The Christian Scriptures: The Church's Testament
- Jesus, the Christ (team-taught)
- The Johannine Writings
- The Jewish-Christian Encounter
- The Prophets
- The Christian Scriptures and Jewish-Christian Relations

Graduate

- The Torah: The Teaching of the Lord *
- The Prophets: Consciences of the Covenant *
- The Writings: Treasury of Religious Thought
- Letters of Paul: Conversations in the Earliest Churches *
- Synoptic Gospels: Expressions of Dynamic Faith *
- Gospel of John: Reinterpreting the Jesus Tradition *
- Biblical Interpretation: Using the Bible in Today's Church

- The Ministry of Jesus: A Historical Reconstruction
- The New Testament in Its Jewish Context (team-taught)
- Interfaith Study Tour to Israel: Finding Our Roots Together
- Philosophy of Religious Education
- Directing Religious Education Programs
- The Christ of Faith (team-taught)
- The Church Through the Ages (team-taught)
- The Triune God: The Relational Nature of the Divine (team-taught)
- Christians and Jews: Encountering the Other (team-taught)
- Educating Toward the Other: Christians and Jews (team-taught)
- Early Jewish-Christian Interactions (team-taught)
- Four Biblical Books in Jewish and Christian Perspectives (team-taught)

Previous Positions

- Junior High School Teacher, St. Teresa School, Woodside, NY, 1973-1977.
- Junior High School Teacher, St. Augustine Regional School, Ocean City, NJ, 1977-1980.
- Parish Director of Religious Education, St. Peter Parish, Pleasantville, NJ, 1980-1983.
- Co-Director of the Salem Deanery Christian Life Center (adult religious education center, offering undergraduate-level courses), 1983-1988.
- Director of The Ministry Institute (1991-2000); Co-Director of The Shalom Center (1994-1999); Associate Professor of Theology (1991-1996); Professor of Theology (1997-2000) at Notre Dame College, 2321 Elm Street, Manchester, NH 03104.

- Adjunct professor, St. Anselm College, Manchester, NH, 1997; Merrimack College, North Andover, MA, 1998; Boston College, 1999-2000.

Education

- Fordham College, Bronx, NY
  Bachelor of Arts (History), 1972
- Fordham Graduate School of Education, Lincoln Center, NY
  Master of Sciences in Education (Curriculum and Teaching), 1977
- LaSalle University, Philadelphia, PA
  Master of Arts in Religious Education (Theology – NT), 1984
- Boston College, Chestnut Hill, MA
  Doctor of Philosophy in Religion and Education, 1992 Dissertation: "A Content Analysis of the Presentation of Jews and Judaism in Current Roman Catholic Religion Textbooks"

Publications

Books:

- *Walking God's Paths: Christians and Jews in Candid Conversation* – Video series (United States Conference of Catholic Bishops: Catholic Communications Campaign and The National Council of Synagogues, 2004) and Users' Guide. (www.bc.edu/wgp, 2003).
- *Sharing the Scriptures: Volume 1* of *The Word Set Free* (New York/Mahwah: Stimulus Foundation/ Paulist Press, 2003).
- *A Story of Shalom: The Calling of Christians and Jews by a Covenanting God;* (New York/Mahwah: Stimulus Foundation/Paulist Press, 2001).
- *Christian Documents Library*, an online collection of Christian ecclesial documents on Jews and Judaism or

Jewish-Christian relations published online at: http://www.bc.edu./bc_org/research/cjl/documents.html

- *Sharing Shalom: A Local Interfaith Dialogue Process.* Edited with Rabbi Arthur Starr. (Mahwah/New York: Paulist Press, 1998).
- Revision/expansion of grade 6 (Hebrew Bible) student text, school ed. of *This Is Our Faith* religion textbook series (Silver, Burdett, Ginn, 1998).
- *Proclaiming Shalom: Lectionary Introductions to Foster the Catholic and Jewish Relationship* (Collegeville, MN: Liturgical Press, 1995).
- *Education for Shalom: Religion Textbooks and the Enhancement of the Catholic and Jewish Relationship* (Collegeville: Liturgical Press, 1995).
- *Jesus and the Evangelists: The Ministry of Jesus in the Synoptic Gospels* (Mahwah/New York: Paulist Press, 1988; 2nd ed.; Lanham, MD: University Press of America, 1993).
- *Jewish Apostle to the Gentiles: Paul As He Saw Himself* (Mystic, CT.: Twenty-Third Publications, 1986).

Articles:

- (In press) "Reflections from a Roman Catholic on a Reform Theology of Christianity," *CCAR Journal,* A Reform Jewish Quarterly (spring, 2005).
- (In press) Articles for the forthcoming *A Dictionary of Jewish-Christian Relations* (Cambridge Univ. Press, 2005): "Biblical Criticism;" "Biblical Theology;" "Cross/ Crucifix;" "Jewish-Christians relations, Centres of;" and "Textbooks."
- (In press) "Covenant and Conversion," in the forthcoming Mary C. Boys, ed., *Seeing Judaism Anew: Christianity's Sacred Obligation*.
- (In press) "The Gospels" entry for the forthcoming *Encyclopedia of Anti-Semitism*, Santa Barbara, CA: ABC-Clio Press, March 2005.

- "Introduction: The Passion – What's at Stake for Christians and Jews?" and "A Challenge to Catholic Teaching" in Philip A. Cunningham, ed., *Pondering the Passion: What's at Stake for Christians and Jews?* (Franklin, WI and Chicago: Sheed & Ward, 2004).
- "Much Will Be Required of the Person Entrusted with Much: Assembling a Passion Drama from the Four Gospels" in *Perspectives on The Passion of the Christ* (New York: Miramax Books, 2004): 49-64.
- "Christians and Jews: Children of a Covenanting God," *The Living Light* (Spring 2004).
- "A Dangerous Fiction," *America* 190/12 (April 5, 2004): 8-11.
- "Gibson's Limited Vision Often at Odds with Bible," *The Irish Echo*, 78/9 (Mar. 3-9. 2004): 15.
- "Pondering the Passion," *The Anglican Theological Review*, 86/2 (Spring 2004): 323-333.
- "The Arrest and Sentencing of Jesus: A Historical Reconstruction," *Journal of Religion and Society*, Vol. 6 (2004): http://moses.creighton.edu/JRS/2004/2004-8.html.
- Actualizing Matthean Christology in a Post-Supersessionist Church," to appear in *When Judaism and Christianity Began: Essays in Memory of Anthony J. Saldarini* (Leiden and Boston: E.J. Brill, 2004).
- "Theology's 'Sacred Obligation': A Reply to Cardinal Dulles on Evangelization," with Mary C. Boys and John T. Pawlikowski, *America,* 187/1 (Oct. 21, 2002): 12-16.
- "Liturgical Readings of the Passion Project," online summary with lections prepared by the Continuing Seminar on Biblical Issues in Jewish-Christian Relations of the Catholic Biblical Association of America, co-convened with John Clabeaux. http://www.bc.edu/bc_org/research/cjl/CBA_Seminarl/PNproject.htm

- "A History of the Middle-east Conflict," published online at: http://www.bc.edu/bc_org/research/cjl/Israel_Palestine/introduction.htm
- "Implications for Magisterial Catholic Teaching on Jews and Judaism", in Stephen Pope and Charles Hefling, eds., *Sic et Non: Encountering Dominus Iesus* (Maryknoll, NY: Orbis Books, 2002): 134-149.
- "Translating and Excerpting the Johannine Passion Narrative for Liturgical Proclamation" in *The SIDIC Review*, 34/3 and 35/1 (2001-2022): 8-18.
- "Do Jews and Christians Worship the Same God?" (co-authored with Jan Katzew) in *Irreconcilable Differences? A Learning Resource for Jews and Christians* (Boulder, CO: Westview Press, 2001): 33-51.
- "Die Darstellung des Judentums in den synoptischen Evangeliein", in *Studien zu einer neutestamentlichen Hermeneutik nach Auschwitz*, eds., Peter Fiedler and Gerhard Dautzenberg, hrsg. (Stuttgart: Verlag Katholisches Bibelwerk GmbH, 1999): 53-88.
- "Jews and Judaism in Catholic Religion Textbooks: Progress, Problems, and Recommendations," in *Removing Anti-Judaism from the New Testament,* eds. Howard Clark Kee and Irvin J. Borowsky (Philadelphia: American Interfaith Institute, 1998) 134-142.
- "New Stories for a New Relationship," *Religious Education,* 91/4 (Fall, 1996) 512-518.
- "Romans 9-11 and Modern Jewish-Catholic Relations: Reflections in Honor of the 30th Anniversary of *Nostra Aetate," Professional Approaches for Christian Educators,* 25, Oct 1995: 3-10; Nov 1995: 3-9.
- "Catechesis and the Crucifixion: An Exegetical, Interfaith, and Pastoral Concern," *The Priest* (April, 1995) 11-14.
- "The Synoptic Gospels and Their Presentation of Judaism," in David P. Efroymson, Eugene Fisher, & Leon Klenicki, eds., *Within Context: Essays on Jews &*

Judaism in the New Testament (Liturgical Press, 1993) 41-66.

- "Jews and Judaism in Catholic Religion Textbooks: Progress, Problems, and Recommendations," *Professional Approaches for Christian Educators,* 22 (Dec, 1992) 17-21.
- "To Know Him is to Love Him," *Religion Teachers' Journal*, 23/4 (Sept, 1989) 8-9.
- *The Apostle Paul: His Mission and Message* (Milwaukee: Hi-Time, 1987) [A six-week high-school curriculum].
- *The Apostle Paul: Male Chauvinist or Proponent of Equality?* (Milwaukee: Hi-Time,1986) [An adult study guide].

Reviews

- "Gibson's *The Passion of the Christ*: A Challenge to Catholic Teaching," (2004) Center for Christian-Jewish Learning at Boston College website: http://www.bc.edu/research/cjl/meta-elements/texts/reviews/gibson_cunningham.htm
- James Carroll, *Constantine's Sword: The Church and the Jews: A History* in *The SIDIC Review*, 34/2 (2001).
- Tikva Frymer-Kensky, David Novak, Peter Ochs, David Fox Sandmel, Michael A. Signer, eds., *Christianity in Jewish Terms* in *The SIDIC Review,* 34/1 (2001): 28-29.
- Frank E. Eakin, Jr., *What Price Prejudice? – Christian Antisemitism in America* in *Cross Currents*, Winter, 1999.
- Jacob Neusner, *A Rabbi Talks With Jesus: An Intermillennial, Interfaith Exchange* in *New Theology Review*, 9/1 (Feb, 1996) 101-103

Professional Papers

- "Covenant and Conversion," Oct., 2003 meeting of the Christian Scholars Group on Christian-Jewish Relations, Hingham, MA
- "Judaism as 'Sacrament of Otherness,'" annual meeting of the International Council of Christians and Jews, Utrecht, The Netherlands, June 30, 2003.
- "The Pontifical Biblical Commission's 2001 Study on *The Jewish People and Their Sacred Scriptures in the Christian Bible*: Selected Important Quotations with Comments," published on the worldwide web and utilized at the May, 2002 meeting of the Christian Scholars Group on Christian-Jewish Relations, Attleboro, MA.
- "Catholic Reflections on Covenant and Mission" (Catholic coordinator), presented at the Bishops Committee on Ecumenical and Interreligious Affairs – National Council of Synagogues Consultation, New York, March 13, 2002.
- "Eschatology, Fulfillment, and Co-covenanting Communities," a response to papers by Cardinal Walter Kasper and Rabbi Norman Solomon, Sacred Heart University, Fairfield, CT, December 4, 2001.
- "A New Future: Building Shalom between Catholics and Jews," a sample user's guide accompanying a pilot educational video, the latter co-produced with John Michalczyk, presented to the Bishops' Committee on Ecumenical and Interreligious Affairs, U.S. Conference of Catholic Bishops and the National Council of Synagogues, Baltimore, MD, November 28, 2001.
- "Translating and Excerpting the Johannine Passion Narrative for Liturgical Proclamation," Catholic Biblical Association of America annual meeting, Seton Hall University, August 4-7, 2001.
- "Interpreting the 'Old Testament' as a 'Shared Testament'" paper read for peer review at the semi-annual of the Christian Scholars Group of the Institute for

Christian and Jewish Studies, Baltimore, April 20, 2001.

- "Education for Religious Particularism and Pluralism: Theological Perspectives," annual meeting of the Association of Professors and Researchers in Religious Education, Toronto, Canada, October 16, 1999.
- "Reflections on Religious Pluralism as Regards Roman Catholicism" for the Education for Religious Particularism and Pluralism project, sponsored by the Lilly Endowment's Valparaiso Project on the Education and Formation of People in Faith, May 2, 1999, White Plains, NY.
- "Toward Educational Guidelines: Colleges, Universities, and Seminaries" (with Ruth Langer) at *Teaching About the Shoah*, co-sponsored in February 1999 by the Archdiocese of Baltimore, the American Jewish Committee, and the National Conference of Catholic Bishops. This text became the basis for guidelines issued in 2001 by the Secretariat for Ecumenical and Interreligious Affairs, N.C.C.B. entitled, *Catholic Teaching the Shoah: Implementing the Holy See's* We Remember.
- "How Does the Unique Relationship Between Judaism and Christianity Impact the Effort to Educate for Both Particularism and Pluralism?" for the Education for Religious Particularism and Pluralism project, sponsored by the Lilly Endowment's Valparaiso Project on the Education and Formation of People in Faith, May 4, 1998, White Plains, NY.
- "Jews and Judaism in U.S. Catholic Religious Education," a paper and multimedia program presented at the 16th meeting of the International Catholic-Jewish Liaison Committee, March 23-26, 1998, Vatican City.
- "Testamental Terminology," for the Continuing Seminar on Biblical Issues in Jewish-Christian Relations, Annual Meeting of the Catholic Biblical Association of America, August 12, 1997, Seattle, WA.

- "Romans 9-11 and the Modern Jewish and Catholic Dialogue: An Experiment Using the Hermeneutics of Sandra Schneiders," Meeting of the Catholic Biblical Association, Aug 13, 1995, Loudonville, NY.

Professional Memberships

- The Catholic Biblical Association of America
- The Christian Scholars Group on Christian-Jewish Relations
- Advisory Committee on Catholic-Jewish Relations for the Secretariat for Ecumenical and Interreligious Affairs of the U.S. Conference of Catholic Bishops
- Advisory Council of Relation and Encounter, the interfaith initiative of the Sisters of Our Lady of Sion, USA/Canada
- The Jewish-Christian Interfaith Partnership of New Hampshire (1992-)
- Board of Directors, NH Conference of Religious Educators (1991-2000)
- Board of Directors, The New Hampshire Bible Society (1994-2000)
- Christian-Jewish Dialogue of Massachusetts Council of Churches (2000-)

Professional Activities

- Invited to prepare paper for consultation of the International Council of Christians and Jews and World Council of Churches, London, England, December 9-10, 2004; topic: "Primary Themes in Catholic Documents on Jews and Judaism."
- Invited writer for a revision of *Within Context: Jews and Judaism in Catholic Teaching Materials,* co-sponsored by the Anti-Defamation League and the Bishops Committee on Ecumenical and Interreligious Affairs, USCCB, Nov. 2001 to the present.

- Invited participant in a consulation on the Pontifical Biblical Commission's study *The Jewish People and Their Sacred Scriptures in the Christian Bible* sponsored by the Pope John Paul II Intercultural Center, Washington, D.C., Oct. 24, 2002.
- Invited participant in interfaith dialogue on the Pontifical Biblical Commission's study *The Jewish People and Their Sacred Scriptures in the Christian Bible* sponsored by the Rabbinic Committee for Interreligious Consultation, Washington, D.C., May 7, 2002.
- Invited to private consultation with Cardinal Walter Kasper on Catholic-Jewish Relations, Catholic Theological Union, Chicago, April 17, 2002.
- Authored address in commemoration of Yom Hashoah delivered by Most Rev. John McCormack, Bishop of Manchester, April 8, 2002.
- Acting Secretary for the Bishops' Committee on Ecumenical and Interreligious Affairs – National Council of Synagogues Consultation, March 2002 – May 2002.
- Secretary for organizational meeting of the Council of Center on Jewish-Christian Relations, New York City, October 28-29, 2001.
- Member of the delegation representing the Pontifical Commission for Religious Relations with the Jews at the 17th meeting of the International Catholic-Jewish Liaison Committee, New York, April 30-May 4, 2001.
- Invited consultant at "Jews and Christians in Conversation: A Cross-Generational Conference," Cambridge University, U.K., co-sponsored by the Centre for Jewish-Christian Relations at Cambridge University, the Cardinal Bernardin Center, Chicago, and the Tanenbaum Center for Interreligious Understanding, New York, March 25-27, 2001.
- At the request of the Vatican Secretariat of State, served in the Holy See's Delegation to "The Stockholm

International Forum on the Holocaust," Stockholm, Sweden, January 26-28, 2000.

- Co-Developer and consultant on Proposal for the Center for Christian-Jewish Learning at Boston College; 1997-2000.
- Member of the "Education for Religious Particularism and Pluralism" project, sponsored by the Lilly Endowment's Valparaiso Project on the Education and Formation of People in Faith, directed by Drs. Mary C. Boys and Sara Lee, 1997-2000.
- Manuscript reviewer, *Journal of Ecumenical Studies*, 1997-present.
- Co-Convener, with Dr. John Clabeaux, of the Continuing Seminar on Biblical Issues in Jewish-Christian Relations, Catholic Biblical Association of America, 1996-present.
- Designed and maintained World Wide Web site for The Ministry Institute, Notre Dame College, Manchester, NH, 1997-2000.
- Scholar-in-residence for biannual interfaith study-tours to Israel and Jordan, 1994, 1996, 1998; the latter trip included the posting of daily lectures, summaries, and photographs to the Shalom Center website for family members and interested persons back home.

Administrative Positions

- Director of The Ministry Institute, Notre Dame College, Manchester, NH, 1991-2000; Designed and directed Master of Arts in Theology program; oversaw ongoing formation of ministerial personnel including permanent deacons through the Ministry Foundations program, Weekend Workshops, and Theological Roundtables.
- Co-Director, with Rabbi Arthur Starr, of The Shalom Center for Understanding Between Christians and

Jews, Notre Dame College, Manchester, NH, 1994-1999; established center, organized conferences, workshops, and courses, led and lectured on interfaith study-tours to Israel and Jordan, and designed and edited a six-week curriculum for local interfaith dialogue, *Sharing Shalom*.

College Activities

- Member, Jesuit Institute Seminar on Jewish-Christian Relations, 2000-present
- Member, Boston College September 11 Response Committee, fall 2001.
- Chair, Faculty Development Committee, 1992-1995
- Member, Search Committee for Academic Vice-President, 1994
- Chair, College position paper on Ex Corde Ecclesiae, 1993-1994
- Chair, Ad Hoc Committee on Academic Computing, 1996-1997
- Member, Faculty Affairs Committee, 1996-present; member, sub-committee on faculty promotion.

Lectures for academic institutions, national agencies, or interfaith organizations

- Panelist-respondent to lectures by Raymond E. Brown entitled, "The Bible in Our Faith and Practice," 20th Anniversary of the Institute of Religious Education and Pastoral Ministry, Boston College, July 23-25, 1991.
- "An Overview of the Jewish and Christian Encounter," keynote launching the Jewish Christian Coalition of New Hampshire, sponsored by the NH Council of Churches and NH Jewish Congregations, May 27, 1992.

- "The Catholic Perspective on Jews and Judaism as Seen in Catholic School Curricula," panelist, the Second Annual Salzberg Conference on Anti-Semitism, Brandeis University, Waltham, MA, November 6, 1992.
- "The Dead Sea Scrolls," daylong workshop, Notre Dame College, Manchester, NH, October 30, 1993.
- "Romans 9-11 and Modern Jewish-Catholic Relations," public interfaith dialogue with Rabbi Leon Klenicki, Notre Dame College, Manchester, NH, March 14, 1994.
- "The *Catechism of the Catholic Church*: First Impressions," theological roundtable, Notre Dame College, Manchester, NH, October 22, 1994.
- "The Portrayal of Jews and Judaism in Christian Educational Materials," "Introduction to Interfaith Dialogue," panelist; and "How Are We Similar? How Are We Different? Where Do We Meet?" panelist; National Workshop on Christian-Jewish Relations, Tulsa, OK, Nov. 5-9, 1994.
- "Jews and Judaism in the *Catechism of the Catholic Church*," Catholic-Jewish Relations Committee of the Archdiocese of Boston, Newton, MA, December 12, 1994.
- "The Origins of Anti-Jewish speech in the New Testament" at the 30th Anniversary Celebration of *Nostra Aetate* co-sponsored by the Archdiocese of Atlanta and the American Jewish Committee, Atlanta chapter, Atlanta, Georgia, June 20, 1995.
- "Thirty Years Since Nostra Aetate," a public interfaith dialogue with Rabbi Leon Klenicki, Diocese of Norwich, Norwich, CT, Dec. 3, 1995.
- "Christian-Jewish Relations in the Late 20th Century," Ecumenical Institute of New England, Peterborough, NH, May 17, 1996.
- "How Local Centers for Christian-Jewish Understanding Began and Developed," panelist, also responded to paper read by Dr. Michael Kogan entitled, "Affirming

the Other's Theology: How Far Can Jews and Christians Go?" 15th National Workshop on Christian-Jewish Relations, Stamford, CT, October 27-30, 1996,

- "Paul and the Law of Moses," at *The Apostle Paul: His Message for Today* conference, NH Bible Society and Notre Dame College, Manchester, NH, November 16, 1996.
- "Proclaiming Shalom: Building Bridges and Avoiding Pitfalls When Referring to Jews and Judaism in Christian Worship," Center for the Study of Jewish-Christian Relations, Merrimack College, North Andover, MA, Mar. 12, 1997.
- "Catholic Religious Education on Jews and Judaism," multimedia presentation at an interfaith consultation on *Teaching About the Other* sponsored jointly by the Interreligious Coordinating Council of Israel, the National Council of Synagogues, and the National Conference of Catholic Bishops, New York City, NY, March 18, 1997.
- "Challenges of Implementation," multimedia presentation, conference on *Faith for the Future: The Practical Implications of Teaching and Preaching in the Light of the Jewish-Christian Encounter*, The Institute for Christian and Jewish Studies, Baltimore, MD, May 14, 1997.
- "The Life and Death of Jesus: New Insights into His Historical and Social Context," multimedia presentations at *The Scriptures and the Scrolls* conference, NH Bible Society and Notre Dame College, Manchester, NH, November 7-8, 1997.
- "The Advent Lectionary and Its Use of the Scriptures of Ancient Israel," multimedia presentation, Stonehill College, North Easton, MA, November 12, 1997.
- "Is the Christian Bible Anti-Semitic?", multimedia presentation, Stonehill College, North Easton, MA, November 12, 1997.

- "What is the Teaching of Contempt?;" "A Renunciation that Transforms;" "Religion Textbooks on Jews and Judaism;" and "Jews and Judaism in the Lectionary," four multimedia presentations, *Beyond the Teaching of Contempt: Practical Resources for the Church* conference, Andover Newton Theological School, Newton, MA, January 28, 1998.
- "Catholic Religious Education on Jews and Judaism," multimedia presentation, Connecticut Council of Churches and Synagogues, Stamford, CT., March 8, 1998.
- "The Vatican and the Jews," daylong multimedia workshop, Notre Dame College, April 17, 1998.
- "The Vatican's 1998 Statement on the Holocaust," The Center for the Study of Religion in Public Life, Trinity College, Hartford, CT, May 6, 1998.
- "The Importance of Historical Jesus Research for Jewish-Christian Relations – A Catholic Perspective," multimedia presentation, The Center for Christian-Jewish Dialogue, Colorado Springs, CO, May 17-18, 1998.
- "The Renewal in Relations Between Christians and Jews and Its Contribution to Global Interreligious Understanding," Nashua Area Interfaith Council, Cathedral of the Pines, Rindge, NH, September 13, 1998.
- "Telling the Christian Story in a Post-Supersessionist Church," multimedia presentation, Notre Dame College Faculty Forum, October 21, 1998.
- Participant in panel discussion on "Civility in Public Debate," sponsored by The Interfaith Alliance Foundation, Manchester, NH, February 4, 1999.
- "Toward Education Guidelines for Shoah Education – Colleges, Universities, and Seminaries," with Rabbi Dr. Ruth Langer as part of an invitational consultation co-sponsored by the National Conference of Catholic

Bishops and the American Jewish Committee, Baltimore, February 16-17, 1999.

- "Telling the Christian Story in a Post-Supersessionist Church," multimedia presentation, Center for the Study of the Jewish and Christian Relationship, Boston College, Chestnut Hill, MA, March 15, 1999.
- "Interpreting the 'Old Testament' as a 'Shared Testament'" and "Telling the Christian Story in a Church that Affirms God's Covenant with Israel," two multimedia presentations at the 16th National Workshop on Christian-Jewish Relations, Houston, Texas, October 25 and 26, 1999.
- "A History of Christian Interpretation of the Bible," opening address of workshop entitled, "The Bible and the Churches, Notre Dame College, November 12, 1999.
- "The Theological Contributions of Pope John Paul II to Catholic-Jewish Relations," St. Leo's University, Tampa, FL, February 23, 2000.
- "Creating the Other: Anti-Judaism and Antisemitism," for Facing History and Ourselves, Simmons College, August 15, 2000.
- "Introducing *Catholic Teaching on the Shoah*" semi-annual meeting of the Catholic-Jewish Consultation Committee, consisting of representatives of the National Conference of Catholic Bishops and the National Council of Synagogues, New York, April 17, 2001.
- Panelist responding to James Carroll's presentation on his book, *Constantine's Sword: The Church and the Jews: A History*, Boston College, April 26, 2001.
- "Sharing Shalom: The Ongoing Catholic Reform in Preaching and Teaching about Jews and Judaism and Pope John Paul II's Contributions to It", spring workshop for the Institute of Religious Education and Pastoral Ministry, Boston College, April 28, 2001.

- "A Story of Shalom," Boisi Center, Boston College, October 10, 2001.
- Respondent to Yaffa Eliach, keynoter at *Honoring Faith: Respecting Each Other – Jewish and Christian Educational Tasks After the Holocaust,* Andover Newton Theological School and Hebrew College, Newton, MA, November 4, 2001.
- "Do Christians and Jews Worship the Same God?" with Jan Katzew, annual *Nostra Aetate* lecture, Fordham University, New York, November 8, 2001.
- "A Story of Shalom," Notre Dame College, Manchester, NH, Dec. 3, 2001.
- "Telling the Christian Story Anew," Mobile Region Christian-Jewish Dialogue, Mobile, AL, January 10, 2002
- "Telling the Christian Story Anew," Center for Catholic-Jewish Studies, St. Leo's University, St. Leo, Florida, March 4, 2002.
- "We Really Do Remember: The Shoah and Catholic-Jewish Relations," National Association of Diocesan Ecumenical Officers, Cleveland, OH, May 21, 2002.
- Panel Discussion on my *A Story of Shalom: The Calling of Christians and Jews by a Covenanting God*, Jewish-Christian Interfatih Partnership of New Hampshire, Manchester, NH, April 14, 2002.
- "'Reflections on Covenant and Mission' and 'A Sacred Obligation,'" for the comparative theology lunch series, Boston College, Oct. 16, 2002.
- "The Trinity and Christian Jewish Relations," Regis College Ministry Institute, Manchester, NH, Nov. 12, 2002.
- "Ethical Issues in Christian-Jewish Relations, with Ruth Langer, Boston College Theology Dept. Ethics Seminar, Dec. 6, 2002.

- "Telling the Christian Story in a Post-Supersessionist Church," St. Vincent Seminary, Boynton Beach, FL, Feb. 28, 2003.
- "Recognizing Each Other's Religious Legitimacy: How Far Can We Go?," response to Rabbi Eugene Korn, Boston College, Mar. 13, 2003.
- Changing Our Hearts: The Renewal in Catholic-Jewish Relations and Parish Life," St. Mary Seminary, Cleveland, OH, Mar. 20, 2003.
- "The Catholic Church and the Jews: A Conversion from Contempt to Fellowship," Brandeis University, Apr. 8, 2003.
- "A Legacy of Ambivalence: Jewish-Catholic Relations in Retrospect," Hebrew College, May 1, 2003.
- Response to Meir Y. Soloveitchik, "The Virtue of Hate," for the American Jewish Committee and Massachusetts Council of Churches Christian-Jewish Dialogue, May 28, 2003.
- "The Catholic Reform Toward Jews: Past Progress, Current Conflicts, Future Trends," Wellesley College, May 30, 2003.
- "Issues in Christian-Jewish Relations" (with Ruth Langer), Gralla Journalism Institute, Brandeis University, July 23, 2003.
- "Dynamics of Interreligious Dialogue: Some Cues from the Christian-Jewish Experience," Interfaith Ministries for Greater Houston, October 9, 2003.
- "Catholic Religion Textbooks on Jews and Judaism," National Catholic Center for Holocaust Education, Seton Hill University, Greensburg. PA, Nov. 8, 2003.
- "The Gospels: Christian Theologies of Judaism, and Antisemitism," Boston College, Jan. 25, 2004.
- "The Arrest and Sentencing of Jesus: A Historical Reconstruction," Creighton University, Omaha, NE, Jan. 29, 2004.

- "*The Passion of the Christ* and Interfaith Relations," panel, Jewish Council for Public Affairs 2004 National Plenum, Boston, MA, Feb. 21, 2004.
- "Gibson's *The Passion of the Christ*," 2004 Charlotte B. and Jack J. Spitzer B'nai B'rith Spitzer Forum for Public Policy, Boston, MA., Feb. 23, 2004.
- "*The Passion of the Christ* and Jewish-Christian Relations," Brandeis University (panel), Waltham, MA., Mar. 9, 2004.
- "Catholic Biblical Perspectives on Judaism and the Jewish People," *Fifth Annual Driscoll Lecture in Jewish-Catholic Studies*, Iona College, New Rochelle, NY, Mar. 10, 2004.
- "*The Passion of the Christ* and Jewish-Christian Relations," Comparative Theology luncheon, Boston College, Mar. 25, 2004.
- "*The Passion of the Christ* and Jewish-Christian Relations," Boston College Jewish Law Students Association and Boston College Law School St. Thomas More Society, Newton, MA, Apr. 22, 2004.
- "*The Passion of the Christ* and Jewish-Christian Relations," (panel) Anti-Defamation League annual national meeting, Washington, D.C., May 3, 2004.
- "Jewish-Christian Relations" (with Ruth Langer), 2004 Gralla Fellows Program for Religion Journalists, Brandeis University, Waltham, MA., July 11, 2004.
- "A History of the Christian Teaching of Contempt for Jews and Judaism," Facing History and Ourselves Foundation, Brookline, MA., July 13, 2004.
- "One Catholic's Reflections on Jewish Discussions of the Religious Status of Gentiles and Christianity (Especially Regarding the Noahide Laws, *Avodah Zarah*, and *Shituf*)," Harvard University, Cambridge, MA., July 29, 2004.

- "Jewish-Catholic Relations: Accomplishments and Challenges," Rabbi Martin Silverman Lecture, College of St. Rose, Albany, NY, Sept. 19, 2004.
- "The Motif of Synagogue and Church in Christian Art," panel presentation as part of the Boston Public Library's restoration of the art of John Singer Sargent, Boston, Oct. 18, 2004.
- "Partners in Covenant," panel response to Irving Greenberg's *For the Sake of Heaven and Earth: The New Encounter between Judaism and Christianity*, Boston College, Oct. 19, 2004.

Lectures for church or synagogue groups

- "Approaches to Religious Education," keynote, Keene Deanery Catechetical Day, Jaffrey, NH, September 28, 1991.
- "What We Catholics Think About You Jews," Temple Adath Yeshurun, Manchester, NH, November 17, 1991.
- "Acts of the Apostles," three two-hour classes for Salem Christian Life Center, St. Patrick Parish, Pelham, NH, January 14, 28, February 4, 1992.
- "Intending Faith: Toward a Vision for Religious Education," with Dr. Michael Corso, Laconia Christian Life Center, Laconia, NH, September 19, 1992.
- "An Introduction to the Old Testament," Sacred Heart Parish, Amesbury, MA, February 10, 1993.
- "An Introduction to the New Testament," Sacred Heart Parish, Amesbury, MA, February 17, 1993.
- "Responses to Questions About Christianity," Hebrew class, Temple Ahavas Achim, Keene, NH, March 10, 1993.
- "The Origins of the Christian Anti-Jewish Tradition," St. Michael Episcopal Church, Brattleboro, VT, March 10, 1993.

- "The Origins of Christianity," guest speaker in "World Religions" course, University of New Hampshire, Manchester, NH, April 13, 1993.
- "The Role of Eve in the Yahwist's Creation Account," Women's Spirituality Group, Rye, NH, April 19, 1993.
- "Called to a Faith That Transforms," keynote address at St. Mark's/St. Jude's Ministry Enrichment Day, Londonderry, NH, September 11, 1993.
- "Making the Mission of Jesus Our Own," keynote address, Laconia Christian Life Center, Laconia, NH, September 25, 1993.
- "Lifting Up a Biblical Vision of Reality," keynote, Annual Meeting of the NH Bible Society, Concord, NH October 8, 1993.
- "The Origins of the Christian Anti-Jewish Tradition," Unitarian-Universalist Ministerial Association, Charlestown, NH, November 2, 1993.
- "The Letters of Paul," St. Thomas Aquinas Church, Derry, NH, Nov. 16, 1993.
- "Matthew's Infancy Narrative," Notre Dame College Advent luncheon, Manchester, NH. November 29, 1993.
- "Luke's Infancy Narrative," Notre Dame College Advent luncheon, Manchester, NH. December 6, 1993.
- "The Ministry of Jesus and Its Portrayal in the Synoptic Gospels," St. George Manor, Manchester, NH, February 19, 1994.
- "The Passion Narratives," Notre Dame College Lenten luncheon, Manchester, NH, February 25, 1994.
- "Exodus 20-24," St. John Neumann Parish bible study, Merrimack, NH, March 16, 1994.
- "The Origins of Christianity," guest speaker in "World Religions" course, University of New Hampshire, Concord, NH, April 6, 1994.

- "An introduction to the *Catechism of the Catholic Church,*" daylong workshop, Laconia Christian Life Center, Laconia, NH, September 10, 1994.
- "The Deuteronomic Tradition," Bedford Presbyterian Church adult education, Bedford, NH, September 25, 1994.
- "Principles for Good Bible Study," with Rev. David Doyle, Annual Meeting of the NH Bible Society, Concord, NH, October 5, 1994.
- "Introduction to the *Catechism of the Catholic Church*," with Barbara Radtke, Manchester *Barnes and Nobles*, Manchester, NH, November 14, 1994.
- "The Prophets Isaiah: Advent of a New Creation," Notre Dame College Advent luncheon, Manchester, NH, December 5, 1994.
- "The *Catechism of the Catholic Church,*" Our Lady of Fatima parish, New London, NH. January 15, 1995.
- "The Gospel of Matthew," Bedford Presbyterian Church adult education, Bedford, NH, January 29, 1995.
- "The Consequences of Reading the Bible Critically," St. Catherine Parish, Manchester, NH, February 14, 1995.
- "Issues in Jewish and Catholic Relations," Temple Adath Yeshurun, Manchester, NH, March 17-19, 1995.
- "Acts 9-12," St. John the Evangelist Parish bible study, Concord, NH, March 27, 1995.
- "The Message of John 11," reflections for the Scrutinies ritual of the RCIA program, St. Thomas More Church, Durham, NH, March 31, 1995.
- "The Meaning and Method of Ministry," St. Charles Parish, Meredith, NH, September 9, 1995.
- "Mark 8-12," St. Marie Parish adult bible study, Manchester, NH, September 24, 1995.
- "The Origins and Effects of New Testament Anti-Jewish Polemic," Manchester Central High School, Manchester, NH, September 26, 1995.

- "Mary in the New Testament," St. Joseph Parish, Hinsdale, NH, Oct 15, 1995.
- "The Many New Testament Understandings of Church," Bedford Presbyterian Church, Bedford, NH, October 29, 1995.
- "The God of Israel and the Coming Reign: The Torah, Jesus, and Us," Nashua Deanery meeting, Nashua, NH, November 8, 1995.
- "Introduction to the Bible," St. John the Evangelist Parish RCIA, Concord, NH, November 16, 1995.
- "The Letter to the Galatians," St. Marie Parish adult bible study, Manchester, NH, February 11, 1996.
- "The Purposes of State Bible Societies," panelist, Meeting of the Board of Directors of the NH Bible Society, Concord, NH, February 16, 1996.
- "The Mystery of Suffering," Notre Dame College Lenten luncheon, Manchester, NH, March 6, 1996.
- "English Translations of the Bible," St. Marie Parish, Manchester, NH, March 10, 1996.
- "Encountering the Gospel Writers Through Their Passion Narratives," Our Lady of Fatima Parish, New London, NH, March 18, 1996.
- "Passover and Easter," television discussion program, WMUR-TV, Manchester, NH, April 7, 1996.
- "Are All Christians Ministers?" Nashua Deanery meeting, Nashua, NH, April 16, 1996.
- "Introduction to the Book of Revelation," St. Thomas Aquinas Parish, Derry, NH, May 28, 1996.
- "Great Themes of the Hebrew Bible: Covenant," St. Joseph Church, Epping, NH, October 1, 1996.
- "The Apostle Paul: His Message for Today," with Rev. Dr. David Doyle, Annual Meeting of the NH Bible Society, Concord, NH, Oct. 15, 1996.
- "The Origins of the Gospel of Mark," Notre Dame College, Manchester, NH, February 15, 1997.

- "Eschatology over the Centuries," St. Patrick Church RCIA, Milford, NH, February 19, 1997.
- "The History of the Modern State of Israel," First Congregational Church (U.C.C.), Wolfeboro, NH, February 23, 1997.
- "Growing as Leaders in Religious Education," panelist, NH Conference of Religious Educators, St. Raphael Church, Manchester, NH, March 19, 1997.
- "The Book of Exodus as the Heart of Hebrew Spirituality," St. Theresa Parish, Rye, NH, April 22, 1997.
- "Ministry in the New Testament Churches: Norms for Ministry Today," multimedia presentation, Laconia Christian Life Center, Laconia, NH, October 18, 1997
- "The Modern State of Israel: An Overview of Its History," multimedia presentation, Shalom Center, Manchester, NH, October 19, 1997.
- "The Death of Jesus as Portrayed in the Gospels," Bishop Guertin High School, Nashua, NH, October 20, 1997.
- "An Overview of Hebrew History," multimedia presentation, The Shalom Center, Manchester, NH, November 16, 1997.
- "Jews and Christians for Two Millennia: Rivals, Foes, and Friends," Part One, "Separations," multimedia presentation, Temple Adath Yeshurun, Manchester, NH, November 19, 1997.
- "Jews and Christians for Two Millennia: Rivals, Foes, and Friends," Part Two, "Rivals," multimedia presentation, Temple Adath Yeshurun, Manchester, NH, December 10, 1997.
- "The Infancy Narratives of Luke and Matthew," multimedia presentation, Our Lady of Fatima Parish, New London, NH, December 15, 1997.

- "Jews and Christians for Two Millennia: Rivals, Foes, and Friends," Part Three, "Dominance and Marginalization," multimedia presentation, Temple Adath Yeshurun, Manchester, NH, March 12, 1998.
- "The Passion Narratives and the Death of Jesus," multimedia presentation, St. Theresa Church, Weston, MA, March 15, 1998.
- "Christ's Passover – Early Christian Reflection on the Life and Death of Jesus," multimedia presentation, Notre Dame College, April 1, 1998.
- "The Gospel of Matthew, chapters 8-16," St. Marie Parish adult Bible study, Manchester, NH., April 26, 1998.
- "Jews and Christians for Two Millennia: Rivals, Foes, and Friends," Part Four, "Emancipation and Oppression," multimedia presentation, Temple Adath Yeshurun, Manchester, NH, April 29, 1998.
- "Jews and Christians for Two Millennia: Rivals, Foes, and Friends," Part Five, "Allies," multimedia presentation, Temple Adath Yeshurun, Manchester, NH, May 20, 1998.
- "Telling the Christian Story in a Post-Supersessionist Church," multimedia presentations, Manchester Clergy Association, September 3, 1998.
- "Communion Requires Community," Our Lady of Fatima Church, New London, NH, October 25, 1998.
- "Preparing for Jubilee 2000," St. Joseph Men's Breakfast, Salem, NH, October 31, 1998.
- "Getting to Know the Gospel of Mark," St. Mary Magdalene Church, Tyngsborough, MA, January 11, 1999.
- "Ecumenical and Interreligious Aspects of Jubilee 2000," with Dr. Barbara Radtke. Diocese of Manchester Ecumenical and Interreligious Commission, Concord, NH, January 23, 1999.

- "Preparing for Jubilee 2000," St. Patrick Parish, Pelham, NH, Feb 21, 1999.
- "Jewish and Christian Approaches to Afterlife," Corpus Christi Church, Newton, MA, March 21, 1999.
- "Jews and Christians: History of a Love – Hate Relationship," Part One, "Separations." Multimedia presentation. Nashua Area Interfaith Council. Nashua, NH, March 21, 1999.
- "Jews and Christians: History of a Love – Hate Relationship," Part Two, "The Christian Teaching of Contempt for Jews and Judaism." Multimedia presentation. Nashua Area Interfaith Council. Nashua, NH, March 28, 1999.
- "Jews and Christians: History of a Love – Hate Relationship," Part Three, "The Modern Church's Renunciation of Anti-Judaism." Multimedia presentation. Nashua Area Interfaith Council. Nashua, NH, April 11 1999.
- "A New Path: The Recent Reform of Christian Teachings About Jews and Judaism," Temple Isaiah, Lexington, MA, April 5, 1999.
- "A New Path: The Recent Reform of Christian Teachings About Jews and Judaism," Temple Emanu-El, Haverhill, MA, April 21, 1999.
- "The Teaching of Contempt and the Implications of Its Renunciation," Multimedia lecture. Baltimore Jewish Council, Baltimore, MD, May 7, 1999.
- "The Acts of the Apostles," St. Mary Magdalen Church, Tyngsborough, MA, June 14, 1999.
- "The Teaching of Contempt and the Implications of Its Renunciation," Mulitmedia Presentation. Baltimore Jewish Council, Baltimore, MD, June 24, 1999.
- "The Catholic Approach to the Bible," videotaped presentation for the Diocese of Manchester, St. Joseph Cathedral, Manchester, NH, September 8, 1999.

- "Our Elder Brothers: Recent Catholic Teaching on Catholic-Jewish Relations," Keene Deanery Christian Life Center, Jaffrey, NH, Sept 11, 1999.
- "The Jewishness of Jesus: Implications for Preaching and Teaching," five multimedia presentations for the annual Manchester Clergy Institute, Hampton Beach, NH, September 15-17, 1999.
- "The Teaching of Contempt and the Implications of Its Renunciation," multimedia presentation, St. Thomas More Church, Baltimore, MD, September 18, 1999.
- "The Hebrew Prophets and Their Importance for Jubilee 2000," St. Joseph Cathedral, Manchester, NH, October 19, 1999.
- "Different Christian Understandings of Biblical Authority" and "The Great Jubilee of the Year 2000," presentations for the Berlin ministerium, Berlin, NH, January 7, 2000.
- "Recent Developments in Catholic-Jewish Relations Internationally," Temple Adath Yeshurun, Manchester, NH January 30, 2000.
- "Speaking the 'Truth of the Gospel' When Teaching About Jews and Judaism," Dept. of Catholic Schools and Office of Catechesis, Diocese of Manchester, Auburn, NH, March 22, 2000.
- "Christians and Jews Since the Shoah: Past Encounters, Present Issues, and Future Hopes" with Rabbi Dr. Ruth Langer, Yom HaShoah Memorial Program, Rivier College, Nashua, NH, May 2, 2000.
- "The Social World of Jesus," First Church Congregational – UCC, Nashua, NH, October 15, 2000
- "The *Shoah* and Catholic Education," St. Anselm College, Manchester, NH, November 5, 2000.
- "The Christian Teaching of Contempt for Jews and Judaism and the Implications of Its Modern Renunciation," Notre Dame College, Manchester, NH, November 9, 2000.

- "Four Gospel Portraits of Jesus," Our Lady of the Miraculous Medal Parish, Hampton, NH, January 22 and 29, 2001.
- Panelist responding to James Carroll's presentation on his book, *Constantine's Sword: The Church and the Jews: A History*, Temple Beth Elohim, Wellesley, MA, April 2, 2001.
- "Jesus and the Torah's Social Ethic," Our Lady of the Miraculous Medal Parish, Hampton, NH, April 23, 2001.
- "An Overview of Catholic-Jewish Relations Today," Yom Kippur service at Temple Beth Shalom, Needham, MA, September 27, 2001.
- Respondent to David Ketrzer, author of *The Popes Against the Jews*, Newton Free Library, Newton, MA, October 18, 2001.
- "The Current Status of Catholic-Jewish Relations," Our Lady of Good Counsel Parish, Sharon, MA, April 4, 2002.
- "The Flowering of Catholic-Jewish Relations, Boston College Alumni Association, April 29, 2002.
- "New Horizons in Christian-Jewish Relations," Lasell Village, Auburndale, MA, May 10, 2002.
- "Developing New Reflexes: Implementing Our New Paradigm of Jews and Judaism," Archdiocese of Boston Pastoral Institute, Waltham, MA, June 11, 2002.
- "Covenant and Eucharist," Dover Catechetical Day, Dover, NH. Sept. 28, 2002.
- "Being Catholic in Difficult Times," panelist with Patricia DeLeeuw, St. Malachy Parish, Burlington, MA, Oct. 18, 2002.
- "This is the Covenant in My Blood," Laconia Deanery Christian Life Center, Laconia, NH, Oct. 20, 2002.

- "Update on Recent Developments in Catholic-Jewish Relations," Boston Archdiocese Office of Ecumenical and Interreligious Affairs, Nov. 21, 2002.
- "The Current Ecumenical and Interreligious Landscape: A Vatican Perspective with Comments on the United States Context," Diocese of Manchester, Parish Ecumenical Training Workship, Concord, NH, Jan. 11, 2003.
- "Catholics and Jews: Teaching About the Other," Annual Catholic-Jewish Colloquium, Temple Beth El, St. Joan of Arc Church, and the American Jewish Committee, Boca Raton, FL, Feb. 27, 2003.
- "A Catholic Interpretation of a *Tanakh* Text," Temple Beth El, Boca Raton, FL, March 1, 2003.
- "What We Teach Our Children: Misconceptions in Jewish and Catholic Classrooms," Diocese of Cleveland and Anti-Defamation League Educator's Workshop, Cleveland, OH, Mar. 19, 2003.
- "Catholic Biblical Perspectives on Judaism and the Jewish People," 17th Annual Jewish-Catholic Colloquium keynote address, Diocese of Cleveland and the Anti-Defamation League, Cleveland, OH, Mar. 20, 2003.
- "Problems with Mel Gibson's *The Passion*," American Jewish Committee New England Chapter Board Meeting, October 2, 2003.
- "The Christian Renunciation of Supersessionism," Etz Hayim Synagogue and Episcopalian Church of the Transfiguration, Derry, NH, Jan. 12, 2004.
- "*The Passion of the Christ* and Jewish-Christian Relations," Temple Kehillath Israel, Brookline, MA, Feb. 28, 2004.
- "The Impact of Gibson's *The Passion of the Christ*," New England Anti-Defamation League, Boston, MA, Mar. 2, 2004.

- "The Partings of the Ways of Judaism and Christianity," Immaculate Heart of Mary Parish, Scarsdale, NY, Mar. 10, 2004.
- "The Modern Church's Renunciation of Anti-Judaism and Supersessionism: A Transformation in Christian Teaching," New Hampshire Episcopal clergy workshop, Hopkinton, NH, Mar. 18, 2004.
- "Interfaith Dialogue on *The Passion of the Christ*," Temple Israel and Trinity Church, Boston, MA, Mar. 18, 2004.
- "*The Passion of the Christ* and Jewish-Christian Relations," Temple Beth Shalom, Needham, MA, Mar. 19, 2004.
- "Encountering Jesus in the Gospel Passion Narratives," St. Malachy Parish, Burlington, MA, Mar. 21, 2004.
- "*The Passion of the Christ* and Jewish-Christian Relations," Jewish Federation of Greater Manchester, Manchester, NH, Mar. 31, 2004.
- "*The Passion of the Christ* and Jewish-Christian Relations," Temple Ohabei Shalom, Brookline, MA, Apr. 2, 2004.
- "Gibson's *The Passion of the Christ*," St. Ignatius Parish, Chestnut Hill, MA, Apr. 4, 2004.
- "Religious Education and Catholic-Jewish Relations," Diocese of Venice, FL, Apr. 25, 2004.
- "*The Passion of the Christ* and Jewish-Christian Relations," American Jewish Committee, Boston, May 13, 2004.
- "*The Passion of the Christ* and Jewish-Christian Relations," Temple Etz Hayyim, Cambridge, MA, May 23, 2004.

Media Interviews

- "Jewish-Catholic Relations," radio discussion program, WNHQ, Milford, NH, September 28, 1994.
- Radio interview on "The History of Christmas Observances," *The Exchange*, NH Public Radio, Concord, NH, December 24, 1996.
- "Teaching Ethics in Public Schools," Radio show panelist, WGIR Radio, Manchester, NH, April 28, 1997.
- "The Protocols of the Elders of Zion Revisited," *Here and Now*, WBUR Boston Public Radio, Oct. 31, 2001.
- Interviews regarding the release of *A Sacred Obligation: Rethinking Christian Faith in Relation to Judaism and the Jewish People* by the Christian Scholars Group on Christian-Jewish Relations with *Boston Globe*, *Boston Herald*, *Religion News Service*, Sept. 2002.
- "Passion Plays in Christian History," *The Connection*, WBUR Boston Public Radio, Boston, MA, Feb. 9, 2004.
- "Mel Gibson's *The Passion of the Christ*," *Primetime Event with Diane Sawyer*, ABC News, Feb. 12, 2004.
- "Mel Gibson's The Passion of the Christ," *News Night*, New England Cable News, Feb. 20, 2004
- "Mel Gibson's The Passion of the Christ," interviews with *Associated Press, Boston Globe, Boston Herald, Baltimore Sun, Business World* (Manila), *Detroit Jewish News, The Forward, Jerusalem Post, Jewish Telegraphic Agency, Jewish Times* (Baltimore), *Jewish Week* (New York), *Lawrence Eagle Tribune, Manchester Union-Leader, Newsday, Philadelphia Inquirer, The Tablet* (London), *WBZ Newsradio 88* (Boston), *WCVB-TV Boston, WRKO Talk Radio* (Boston), *USA Today*, plus other newspapers in Arizona, Colorado, Florida, Michigan, Texas, and South Carolina, Feb. 2004.
- "Mel Gibson's *The Passion of the Christ*," National Public Radio's *Morning Edition*, Feb. 24, 2004.

- "Mel Gibson's *The Passion of the Christ*," *Newshour with Jim Lehrer*, PBS TV, Feb. 24, 2004.
- "*The Passion of the Christ*," *CN8 Nightbeat* Comcast cable TV, Feb. 25, 2004.
- "*The Passion of the Christ*," *Search for Meaning*, Newton TV, Newton, MA, Mar. 4, 2004.
- "Mel Gibson's *The Passion of the Christ*," *Backchat*, Radio Television Hong Kong, Radio 3, April 7, 2004.
- "The Beatification of Anne Katherine Emmerich," interviews with *The Jewish Week* (New York) and *The Forward* (New York), June 9-10, 2004.
- "Christian Conversionary Campaigns of Jews," radio interview with the *Voice of America*, August 23, 2004.